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THE ROLE OF ARMY INTELLIGENCE  
IN THE DOMESTIC DRUG WAR

A thesis presented to the Faculty of the U.S. Army  
Command and General Staff College in partial  
fulfillment of the requirements for the degree

MASTER OF MILITARY ART AND SCIENCE

by

PATRICIA F. KNUDSEN, MAJ, USA  
B.S., Eastern Michigan University, 1973

Fort Leavenworth, Kansas  
1990

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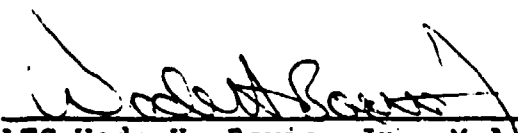
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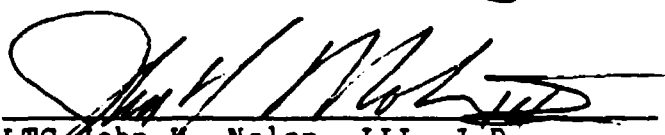
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Name of candidate: Patricia F. Knudsen

Title of thesis : The Role of Army Intelligence in the Domestic  
Drug War

Approved by:

  
LTC Wade H. Bowie, Jr., M.A. , Thesis Committee Chairman

  
LTC John H. Nolan, III, J.D. , Member Graduate Faculty

  
LTC Ernest M. Pitt, Jr., J.D. , Member Consulting Faculty

Accepted this 1st day of June 1990 by:

  
Philip J. Brookes, Ph.D. , Director, Graduate Degree  
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The opinions and conclusion expressed herein are those of the student author and do not necessarily represent the views of the U.S. Army Command and General Staff College or any other government agency. (Reference to this study should include the foregoing statement.)

## ABSTRACT

THE ROLE OF ARMY INTELLIGENCE IN THE DOMESTIC WAR ON DRUGS, by Major Patricia F. Knudsen, USA, 182 pages.

In 1989 the Secretary of Defense directed that DoD would fully support the President's National Drug Strategy which identified the illegal trafficking of drugs as a matter of national security. To support that effort, the Army Counternarcotics Plan lays out the basis for the employment of Army units in support of taskings from the CINCs.

This paper investigates the role Army intelligence can play in the domestic aspect of the war. It addresses identification of law enforcement requirements and Army intelligence capabilities that are feasible and suitable for employment against drug targets, and discusses the acceptability of those intelligence applications. The laws that govern military support to law enforcement and intelligence activities which impact on Army intelligence's role in the drug war are addressed.

The study suggests that while Army intelligence has some limited application in support of law enforcement, the acceptability of such operations will depend on how severely they infringe on the privacy of the American people.

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## CHAPTER 1

### INTRODUCTION

Over the last several years it has become painfully clear that the law enforcement structure in this country, starting with the Federal Bureau of Investigation (FBI) and the Drug Enforcement Administration (DEA) down to the smallest sheriff's office in the country, is not equipped, trained, or capable of combatting the forces with which it must deal to stop the flow and use of illegal drugs in this country. We have reached the stage when domestic violence related to drugs is no longer controllable. There is, indeed, a domestic enemy that permeates an increasingly larger segment of society.

A recent ABC News-Washington Post Poll found that 82 percent of Americans favored using the military to control illegal drug use within the United States, and 62 percent would willingly give up some freedoms to reduce illegal drug use.<sup>1</sup>

Illegal drugs are a problem in this country that tear at the very fabric of society. There are very few things, with the possible exception of illiteracy, poverty, and AIDs that will have such a profound effect on future generations. According to a National Institute of Drug Abuse survey, "73 percent of adult Americans described

illicit drug use as "one of the most serious problems facing this country."<sup>2</sup> The costs to the American people are incredible. One study indicates that the "loss of productivity, medical costs and drug related crimes result in indirect cost to Americans, totalling \$50-60 billion a year."<sup>3</sup>

For many years the government has been struggling with what to do about the problem. This problem, like so many of society's ills, offers no simple solution. Indeed, this may be the single greatest challenge to a nation of great wealth, prosperity, and liberty.

Many Americans, frustrated with the inability of law enforcement to deal with this problem, are calling for increased use of the military to act as "cops", or at the very least, to assist in a more direct way. It is not difficult to understand this reaction. Many Americans have virtually no understanding of the military establishment, and are often confused about its capabilities and limitations. It is not unusual to hear people say things like, "why not use the Army? They don't have anything else to do right now."

For some, the answer to the immediate problem is simple. Cut off the supply at the source, seal the borders so drugs can't get into the country, and use the Army to assist federal agents and law enforcement officials to round up all the druggies. Unfortunately, the answer is just not

that simple. Defense department personnel, among others, testify routinely to Congress in an attempt to insure that the erroneous perception that DoD participation in this effort will solve the drug problem in the country. <sup>4</sup>

Many agencies involved in supply reduction through drug interdiction programs at all levels do agree, however, that accurate and timely intelligence is key to successful drug interdiction. Further, most agree that drug intelligence data from law enforcement and national foreign intelligence sources must be merged if we are to create an effective anti-drug intelligence network.<sup>5</sup>

#### Purpose

There are those that believe the Army has a capability, indeed a responsibility to assist civil law enforcement officials in apprehending drug dealers and smugglers, and destroying the sources of the illicit drugs. Intelligence support is potentially one way the military can contribute. The purpose of this investigation is to determine if Army intelligence has a role to play in the domestic drug war.

As the military is pressed to increase its role, there is much speculation and discussion on exactly how to

do that. Some parameters have been established since 1981. However, there is still concern that the military is not doing enough.

### Question

The question to be answered through this research is, "Is there a role for Army intelligence in the domestic war on drugs?" To answer this question several other supporting questions must be answered. Do traditional military intelligence operations meet the feasibility, suitability, and acceptability tests when applied against domestic drug operations? Does Army intelligence have the capability to operate against domestic drug operations? Will the use of Army intelligence produce the desired results? Are there capabilities that can lawfully be applied against the enemy in the domestic environment? Will the public support such operations?

### Background

Consideration of the role that might be played by military forces in the drug war has quite a lengthy history. As early as 1981, indeed some 15 years after Americans first witnessed the explosion of recreational drugs in our society, the President and Congress began exploring the

possibilities of using federal troops to stop the flow of drugs into the United States. <sup>6</sup>

Congress was particularly aggressive as Senators and Representatives from across the nation offered their versions of anti-drug legislation. The role that the Congress plays in this effort is the same as in all other issues of national security and public policy making. According to the Constitution of the United States, Congress has the power to,

raise and support armies; make rules for the government and regulation of land and naval forces; and to make all laws which shall be necessary and proper for carrying into execution the foregoing powers.

They have a great deal of power and influence over what the military services will and will not do. While the President has been the dominant figure in national security matters, the undeniable fiscal power of the Congress continues to mold the Department of Defense in terms of manning, personnel, organization, force structure and doctrine.<sup>7</sup> It will undoubtedly continue to drive the Department of Defense into new territory in the war on drugs.

Some of the legislation included expanding the role of the military. Some recommendations were for the Navy to

be given arrest powers, for example. Others recommended that the DoD find a way to seal the Mexican/U.S. border.<sup>8</sup>

During recent months, Congress has directed an increase in the role of the military in the war on drugs. Use of the military has been suggested to combat the Colombian cartel right where the drugs are manufactured, and despite denials by the Bush administration reports indicate that this mission is ongoing.<sup>9</sup> This requires the use of troops in various roles from providing advice and assistance to possible direct involvement in "combat-like" operations. Others envision a domestic role for the military, in support of federal, state, and local law enforcement officials.<sup>10</sup>

Domestic intelligence laws have a significant impact on the role of Army intelligence in the counternarcotics effort. While these laws were written in a time when drugs would not have been envisioned as a legitimate threat to national security, the drug problem in this country has evolved to the point where use of military power is being considered to put an end to this national security threat. This, in turn, has brought the larger issue of separation of military and civilian roles in law enforcement to light again.

When calls for increased military involvement surfaced in the early 1980's, especially those which would allow the Navy to conduct arrests, DoD officials and justice department personnel were quick to point to the Posse

Comitatus Act of 1878 as restricting the use of the Army as a means of domestic law enforcement<sup>11</sup> (Note: the Air Force is now legislatively included within the provision of the act and, as a matter of policy, the Navy and Marine Corps are included, as well.)

For many reasons the DoD, avoided seeking an active role in stopping the flow of drugs into the country. Part of the reason is the uncertainty that surrounds the application of Posse Comitatus Act, which has been interpreted in very different ways by judges in various cases across the country.<sup>12</sup>

In 1981, the Congress, ostensibly to clarify the situation, amended Title 10 U.S. Code to define the circumstances in and means by which DoD resources could be used to support domestic law enforcement agencies that would not be in violation of the Posse Comitatus Act.<sup>13</sup>

In both 1986 and 1988, Congress passed anti-drug bills. Each mandated increased roles for the military. The National Defense Authorization Act (NDAA) of 1989 also requires greater participation by the DoD in the drug war. The NDAA requires that the DoD serve as "the single lead agency of the Federal Government for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States." <sup>14</sup>



In implementing this requirement, the Secretary of Defense simultaneously issued guidance to the department with regards to its role in the war on drugs,

The Department of Defense will assist requesting law enforcement agencies and the National Guard with training, reconnaissance, command and control, planning and logistics for counternarcotics operations. In appropriate cases, armed forces personnel and equipment will be detailed directly to law enforcement agencies to assist in the fight.<sup>15</sup>

This guidance put the responsibility on the leaders of the Army to determine appropriate roles for soldiers and leaders of Army units. Throughout the Army, leaders and staffs are working to identify ways in which the Army can assist the Nation in the drug war. Leaders of the intelligence community, in particular, are looking for innovative, while lawful, and common sense approaches to assisting law enforcement. There are continued efforts within the Army intelligence community to identify ways that the active force component can contribute.

### Assumptions

To facilitate this inquiry, certain assumptions must be made. Some of the assumptions rationalize the use of the Army, as a whole, in the war on drugs. Others set the stage for exploration of the role of Army intelligence. The first assumption necessarily is made in order to legitimize the

use of the Army in this "war". This assumption is that the flow of drugs into the U.S. is, in fact, a national security issue. President Reagan first identified the issue as a national security threat and included it in his National Security Strategy of the United States in January 1988. National Security Decision Directive 221, also identifies the drug issue as a national security challenge. The link to national security here is the foundation for defining a role for the military.

It is increasingly obvious that over time the Army will play an even greater role in the war on drugs. Currently, the DoD mission is two-fold. The Army is participating in the detection and monitoring mission, as well as the command, control, communications and intelligence integration mission. It is not unreasonable to assume that the drug situation can become so severe that the DoD mission could be expanded and result in an increased role of the Army in support of local law enforcement. This seems inevitable given Congressional interest in increasing the role of the Army, as evidenced by indications from numerous hearings before the Armed Services Committees of both houses of Congress. Indeed, Secretary Cheney has expanded the role of the military in all areas.

I believe that our military forces have the capability to make a substantial contribution toward drug interdiction, and I am instructing them to make the necessary preparations to carry out that responsibility.<sup>16</sup>

A significant amount of illegal drug production is occurring inside the United States. In a Washington Post Weekly edition in April 1989 an article by Michael Isikoff describes the production capacity of a domestic cocaine-like product called "crank" in Tyler, Texas. Estimates are that 25 tons of this methamphetamine will be produced this year. This is enough to supply three times as many of the number of estimated U.S. heroine addicts.<sup>17</sup> This is an important consideration, because as times goes on, successful military operations to interdict drugs from outside the United States, could easily set the stage for the use of troops inside the borders against domestic producers and traffickers.

Another assumption centers on the reduced likelihood of major conflict in Europe against the Soviet Union or the Warsaw Pact nations. Although military postures have not yet significantly changed, political realities appear to diminish the threat of major land warfare on that continent. Given this change in perspective, many now question the need for a large standing Army, and significant reductions in force structure and budgets appear likely. There are those who will suggest the war on drugs as a rationale for keeping a standing Army. Recent operations in Panama serve to support such beliefs.

It can also be assumed that in the near term Congress will not likely legislate any changes to the Posse

Comitatus Act that would ease restrictions on direct participation by the Army in search, seizure, and apprehension and related activities.

No new tactical intelligence equipment will be developed or fielded to support this mission directly. While new equipment is being tested and fielded to fight other non-traditional conflicts which may have application in this effort, any support provided to domestic law enforcement will come in the form of traditional military equipment and operators.

Appropriate intelligence oversight mechanisms will remain in place to monitor intelligence activity. Such mechanisms are necessary to insure compliance with both civil and military law.

And finally, military involvement in this war cannot by itself halt the flow of drugs, and that other players in drug treatment, criminal justice, education, and community action must participate fully in the effort. President Bush's National Drug Strategy, is a guiding document which recognizes that the drug problem must be attacked from many angles. Strategies to support the overall National Strategy have been developed which provide direction on all fronts.

## Definitions

The definitions used in this thesis come from a variety of sources.

Army Intelligence - Intelligence which supports the operational needs of the Army for its assigned mission. This includes both tactical and strategic intelligence which addresses threats across the spectrum of conflict, and includes intelligence to support the research and development efforts of the Department of the Army. Army intelligence also contributes to satisfaction of national level intelligence needs for policy and planning.

Direct Participation - When referring to civilian law enforcement, the DoD has routinely used this term when referring to search, seizure, arrest, and apprehension of suspected criminals. Intelligence directives identify those activities which constitute direct participation for intelligence personnel.

Counterintelligence - Those activities which are concerned with identifying and counteracting the threat to security posed by hostile intelligence services or organizations or by individuals engaged in espionage, sabotage, or subversion.

Narcoterrorism - A popular, yet officially undefined term that links drug trafficking organizations to terrorist groups, whether through common operational methods, common objectives or simply cooperation. 18

Detection - To determine the presence of aircraft or vessels suspected of attempting to introduce illegal drugs into the United States. (DoD)

Monitoring - To track, electronically or otherwise, a suspect aircraft or vessel. Generally, DoD monitoring ends when law enforcement assets are suitably positioned to assume responsibility. (DoD)

Surveillance - The systematic observation of aerospace, surface, or subsurface areas, places, persons, or things, by visual, aural, electronic, photographic, or other means. (DoD)

Domestic narcotics activities - Those narcotics activities which take place within the United States that do not involve a significant connection with a foreign power, organization, or person.

International narcotics activities - Activities outside the United States to produce, transfer or sell narcotics or

other substances controlled in accordance with Title 21 USC.  
(AR 381-10)

Law enforcement activities - Activities undertaken for the purposes of detecting violations of law or to locate and apprehend persons who violate the law. (AR 381-10)

U.S. Person - A U.S. citizen; an alien known by the DoD intelligence component concerned to be a permanent resident alien; an unincorporated association substantially composed of U.S. citizens or permanent resident aliens; a corporation incorporated in the United States, except for a corporation directed and controlled by a foreign government or governments. (AR 381-10)

#### Limitations

The security classification of some otherwise pertinent material will preclude its inclusion here.

#### Delimitations

This study will not include discussion on the production of illicit drugs, nor drug programs in the United States designed to reduce the demand for drugs. The provisions of the numerous drug acts will not be addressed,

nor the role of the Army outside the territorial United States, e.g. the Andean strategy. Command and control of military forces in support of law enforcement will not be addressed nor will National Guard activities while in Title 32 status be discussed, except as they relate to capabilities.

### Significance

For more than 100 years the United States military and United States domestic law enforcement agencies have cooperated within the framework of the Posse Comitatus Act without much difficulty. Now, in 1990, due to the advent of popular and recreational use of drugs and the threat that their use poses for the security of our Nation, U.S. law is again being examined to find a role for military forces in what otherwise would likely be a primarily domestic, social issue. This is a significant indicator of how problematic the drug situation has become.

This study should be useful considering the confusion and varied opinion that exists regarding the use of our Army in the domestic drug war. Although this work will not make specific recommendations to that DoD officials should consider, it will provide a foundation for examining the detailed questions concerning the use of Army intelligence forces in the domestic drug war. It may be



useful in identifying future programming initiatives, and training requirements.

## ENDNOTES

1. Lewis Beale, "Legalization a Fix for the Drug War?" Chicago Tribune, 5 October 1989, Sec 2, 5.
2. William Pollin, "Drug Abuse USA: How Serious? How Solvable?", Issues in Science and Technology (Winter 1987): 21.
3. General Paul Gorman, US Army (Retired), "Illegal Drugs and US Security," President's Commission on Organized Crime, America's Habit: Drug Abuse, Drug Trafficking, and Organized Crime, (Washington, D.C.: USGPO, 1986): 6.
4. Refer to bibliography for a listing of Congressional hearings which addresses DoD's role in the war on drugs.
5. U.S. Congress, House, Committee on Armed Services, National Defense Authorization Act for Fiscal Years 1990-1991, 100th Cong., 2d sess., 1988. H Rept 101-121, 318.
6. John P. Coffey, "The Navy's Role in Interdicting Narcotics Traffic: War on Drugs or Ambush on the Constitution?" Georgetown Law Journal 75:1947, 1955.
7. James H. Dixon, and others, National Security Policy Formulation: Institutions, Processes, and Issues (Washington, D.C.: National Defense University Press, 1984), 111.
8. Coffey, 1948. This legislation was presented by Representative Duncan Hunter.
9. Jim Pat Mills, "The Army's Drug War," Army Times, 2 October 1989, 14.
10. This vision is held by a number of Congressmen and law enforcement officials across the country. In hearings before the House and Senate Armed Services committees, for example, Mayor Ed Koch (NY) eagerly supported not only the use of the military to interdict narcotics coming in to the United States, but suggested that military personnel be given arrest authority in cases where local law enforcement officials could not make it to the scene in sufficient time.
11. U.S. General Accounting Office, Drug Control: Issues Surrounding Increased Use of the Military in Drug Interdiction, (Washington, D.C.: GPO, 1988), NSIAD-88-156, 32.

12. Paul Jackson Rice, "New Laws and Insights Encircle the Posse Comitatus Act," Military Law Review 104, (Spring 1984): 109 - 138.
13. Secs. 371-378 were added to Chapter 18, Title 10 USC.
14. U.S. Congress, House, Committee on Armed Services, Conference Report to accompany HR 4481: National Defense Authorization Act for FY 1989, 100th cong., 2d sess., H. Rept 100-989.
15. Department of Defense, Department of Defense Guidance for Implementation of the President's National Drug Control Strategy, (Washington, D.C.: GPO 1989),
16. Richard Cheney, "Cheney Outlines Expanded DoD Drug Role", OASD(PA), 18 September 1989.
17. Michael Isikoff, "America's Drug," Washington Post, 3-9 April 1989.
18. Dan C. Meyer, "The Myth of Narcoterrorism in Latin America," Military Review, March 1990, 64.

## CHAPTER 2

### REVIEW OF LITERATURE

There is no shortage of literature on the subject of drugs, the drug war, and the role the military should play in this effort. Everyone has an opinion, a position, a recommendation, or a war story concerning this mission. Much of the written material is in the form of news reports and editorials. There have been numerous congressional hearings, seminars, debates, and testimony from professionals articulating the benefits and detriments to the military, the American people, and indeed the Constitution itself, of increasing the role of the military in the drug war. Numerous articles have been written by DoD officials, members of the executive branch, members of congress, lawyers, academicians, clergy, and concerned citizens across the country.

While there is an abundance of material on which to build the foundation for the discussion, there is very little material that addresses itself directly to the issue of the role of Army intelligence in this mission. There were no published works found which specifically address the role of Army intelligence.

One of the first issues concerns itself with the nature of the drug war. Many question whether it is a war at all, or is this a metaphor that makes the American people feel like the government is taking the drug problem seriously. Government documents, starting with the President's National Security Strategy, state clearly that the flow of drugs into this country is a serious threat to national security. Every document produced by the Department of Defense now highlights the administration's position that drugs are a national security issue. In a recent interview, Secretary of Defense Cheney stated,

It is also important though, I think, for us to recognize in the (defense) department something that the President has made clear and I want to pursue, which is that the illicit trafficking in narcotics and all that goes with that is, indeed, a national security problem.

Another document which addresses itself to this issue is the National Security Decision Directive (NSDD) 221. This document points out that drug trafficking and its connection with terrorism has an adverse affect on democratic governments. And this makes it a national security issue for the United States. There are, however, opposing views.

In an article written in the Los Angeles Times, then FBI Chief, William Webster disputed the suggestion that "terrorists and drug traffickers have joined forces to

undermine the United States and other democracies."<sup>2</sup> Mr. Webster states,

Words like 'narco-terrorism' tend to exacerbate the realities as we know them. I do not believe that the hard evidence links the two, that we are in a situation in which the terrorists have become drug dealers or the drug dealers have become terrorists.<sup>3</sup>

There is an abundance of material on the subject of the use of the military, not specifically military intelligence however, in domestic concerns that dates back to before the Civil War. In his book, Use of the Army in Certain of the Southern States, Fogelson provides insight into the use of the military in the civil law enforcement role during Reconstruction.

In a relatively new publication, The Role of Federal Military Forces in Domestic Disorders 1789-1878, Robert Coakley, Ph.D. cites numerous incidents of the use of federal troops throughout the late 1800's. This book is part of the Army Historical Series prepared at the U.S. Army Center for Military History. The opening paragraph of the work states, "Opposition to the use of military force in the enforcement of civil law is deeply imbedded in the American tradition. It derives both from British precedents and from the experiences of the American Revolution."<sup>4</sup> In it, the author details much about events such as the Whisky

Rebellion, the Fries Rebellion, Slave Rebellions and the trouble in Kansas.

By far, the single best review of the issues surrounding the use of the military as a whole in the war on drugs, both domestically and external to our borders, is the Rand Study, Sealing the Borders: The Effects of Increased Military Participation in Drug Interdiction. This document identifies and supports all of the arguments that the DoD has historically made against the use of the military in the war on drugs, and while it makes some good points, it is safe to say its authors were heavily influenced by traditional military arguments. The authors suggest that one of the ways the military can contribute to the war on drugs, however, is through intelligence. Much of the material read in preparation for this document supports this notion.

A well-written primer on the entire drug war is provided by author Steven Wisotsky. In his book, Breaking the Impasse in the War on Drugs, he covers the cocaine market; its economics, structure, corruption and violence. On the law enforcement side he addresses international, federal, and local efforts to deal with the problem. In one well written chapter he discusses the civil liberties dimension. He is direct, unbiased and factual.

Michael H. Abbott, in his December 1988 article in Parameters, "The Army and the Drug War: Politics or National Security?" suggests that U.S. military forces can and should do more than they are currently doing. He suggests,

The United States must come to grips with this threat and attack it at every level. U.S. military forces have the potential to contribute much more to the fight than they presently are.<sup>5</sup>

The U.S. Government Accounting Office report, Drug Control: Issues Surrounding Increased Use of the Military in Drug Interdiction provides a look at many of the issues. It states,

Neither DoD nor law enforcement officials support a significant change in DoD's role. This is particularly true with regard to DoD's direct involvement in seizures and arrests.<sup>6</sup>

Much of the most useful material comes from the various Congressional hearings that are cited throughout the paper. Many of the prime witnesses in these hearings are DoD and law enforcement personnel. There is an overwhelming amount of material to digest, and although Congressional direction on this issue has been tempered by a good deal of common sense and an acute awareness of the fundamental principle expressed in the Posse Comitatus Act, it is evident in reviewing some of the proposed legislation that some members of Congress believe the Army's role in



interdiction should be expanded, and some may believe the Army should be relieved of the restrictions of the Posse Comitatus Act.

Another invaluable source of information is the numerous papers, studies, and unpublished thesis prepared by students at the Defense Intelligence College, the Army War College, and the U.S. Army Command and General Staff College. Much of the material available is extremely current. It is difficult at best to stay abreast of the steady stream of new material in this category.

History is replete with examples of the use of the military in domestic roles. Federal troops were used during the Whisky Rebellion, to fight domestic Indian Wars, and during the post-Civil War Reconstruction period. Many of the laws that govern both domestic intelligence collection and support to law enforcement have their roots in these historical incidents.

An important consideration with regards to the use of the Army today in law enforcement roles is the Posse Comitatus Act. This Act is often cited as the reason U.S. Army troops cannot be used in the drug war.

Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of

Congress; willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined not more than \$10,000 or imprisoned not more than two years, or both.

The law is, however, riddled with inconsistencies. There seems to be a general misunderstanding about the power of the President. There is some debate, for example, that the law is unconstitutional because a statute cannot limit the powers of the Executive, as provided in the Constitution.<sup>7</sup> Despite the fact that the Posse Comitatus has been around a long time, and it has been amended to allow for increased use of the military in the drug war, there remains a tremendous misunderstanding about the actual provisions of the law.

Two sources were especially useful in determining the limitations on the Army as a result of the Posse Comitatus Act. The first, "Restrictions Upon Use of the Army Imposed by the Posse Comitatus Act," was prepared by a U.S. Army Judge Advocate officer. In the article the author concludes that the variety of interpretations suggests that the act is so vague that as a criminal statute, it might be unconstitutional.<sup>8</sup> A second source on the Posse Comitatus Act comes in the form of a paper prepared by another Army lawyer, at the U.S. Army Command and General Staff College, for the sub-course A599-Drugs and National Security. This paper provides a brief history of the Act, and in it, the

author concludes that there are ways to immediately expand the use of the military (Army) in the domestic war on drugs without changing the law.<sup>9</sup>

Another outstanding article which discusses the Posse Comitatus and support to law enforcement is a Military Law Review article, "New Laws and Insights Encircle the Posse Comitatus Act." In it, Colonel Paul Jackson Rice details the most critical aspects of the changes to the law in 1981, and provides a comprehensive and articulate review of the basis upon which the military must operate.

There are a number of laws, directives and regulations that govern the use of the military in support of law enforcement. Other DoD directives and Army regulations provide the foundation for exploring the legal limitations on the role of Army intelligence, as do various Army intelligence plans, manuals, and publications.

In 1981, Congress enacted Chapter 18, Secs 371-378, Title 10 USC, "Military Cooperation with Civilian Law Enforcement Officials" to clarify the kind of support the military could be charged with providing to law enforcement.

The law focuses on the cooperation between military and civil authorities as it relates to interdiction of vessels coming into the United States. At the time this law was established, the only mission the Congress was

considering for the military was to support U.S. customs and the border patrol. There are six primary sections to the law, each of which provides the military authorities with greater latitude than they had previously to assist law enforcement. The law also specifically directs the military to increase support in ways that had not previously been considered.

DoD Directive 5525.5, "DoD Cooperation with Civilian Law Enforcement Officials," Jan 15, 1986 establishes policies and procedures to be followed in response to the 1981 amendments to the Posse Comitatus Act and Chapter 18, Secs 371-378, Title 10. The directive provides guidance on exactly what kind of cooperation may be provided.

Army Regulation 500-51, "Support to Civilian Law Enforcement", 1 August 1983 establishes policy and procedure within the Army to implement the provisions of U.S. law and DoD Directive 5525.5. It elaborates and further defines the limitations on Army units with respect to the law as stated by the U.S. Code, Title 10.

Executive Order 12333, "United States Intelligence Activities" is the Presidential directive that establishes what U.S intelligence activities may be conducted. Its purpose is to enhance human and technical collection

techniques. With regards to intelligence in the counternarcotics mission, it provides that agencies within the Intelligence Community are authorized to collect, retain and disseminate information concerning U.S. citizens only when the information is obtained in the course of a lawful international narcotics investigation. This Executive Order was established in 1981 by President Reagan prior to the onset of the war on drugs. It has not been changed or updated by the current administration.

DoD Directive 5240.1R, "Activities of DoD Intelligence Components that Affect U.S. Persons", December, 1982 sets forth procedures governing the activities of DoD intelligence components that affect United States persons. This is an important directive because the drug war includes combatants of U.S. citizenship.

Army Regulation 381-10, "U.S. Army Intelligence Activities," 1 August 1984 is a key document which implements DoD Directive 5240.1R. It defines military intelligence roles in collection of information concerning U.S. persons. Since the domestic drug war involves U.S. citizens, it is necessary to accurately state the regulations governing such activities within the DoD and the Army. The collection of intelligence against U.S. persons

involved in drug trafficking is an area of much misunderstanding and allows for varied interpretation.

Domestic drug operations fall under the purview of Commander-in-Chief, Forces Command (CINCFOR) who has responsibility for land defense of the Continental United States (CONUS). Army units have a role to play, as do Air Force and Navy units. The Army Counternarcotics Plan defines the Army's primary mission in support of the DoD and identifies the types of Army support that will be provided. A number of tabs provide specific guidance and administrative instructions. This plan, prepared by the Army Deputy Chief of Staff for Operations (DCSOPS), is the first to be published by the Army. It specifically states that the Army will support every facet of the National Drug Control Strategy. Missions will be assigned by the Commanders-in-Chief (CINC) of the combatant commands, and executed as are all other tasks. The Army will not perform missions in support of law enforcement unilaterally nor act outside the prerogative of the CINC.

The National Drug Control Strategy, while a monumental document and a solid work, provides little in the way of detail concerning specific military missions. With respect to intelligence, the initial Strategy, published in September, 1989 highlights the need for ensuring that all

Federal, State and local information on the drug production and trafficking problem is appropriately shared. It points to the necessity for new and innovative intelligence collection and production methods. The second Strategy, issued in January, 1990 addresses major initiatives that will be undertaken in the future. It identifies the need for development of a National Drug Intelligence Center (NDIC) to consolidate and coordinate all relevant intelligence gathered by law enforcement agencies. It will be under the supervision of the Attorney General's office. No specific mention is made of DoD's role in domestic intelligence operations.

There is a tremendous gap in the public literature concerning the domestic role of Army intelligence assets in the drug war.

One good collection of works on this subject is a book entitled Intelligence Requirements for the 1980's: Domestic Intelligence edited by Roy Godson. This book is one of a series edited by Mr. Godson, Associate Professor of Government at Georgetown University which addresses intelligence requirements for the community across the board. The authors of the articles in this collection (all of whom have substantial credentials in this area) address a variety of issues regarding collection of domestic

intelligence. They cover such subjects as identifying the kinds of issues we are facing in this decade, determining what the actual requirements are, and the laws governing collection, and the issues surrounding those laws. The volume does not address domestic intelligence requirements against drugs specifically, however, many of the issues raised about domestic collection against foreign intelligence, however do apply.

Another book that addresses some of the key concerns regarding collection against U.S. citizens is, Spying on American, by Athan Theoharis. This book is a collection of historical abuses of the American domestic intelligence system. Again, the book addresses those cases when the American government conducted intelligence operations against Americans who were thought to be political threats to the security of the Nation. The notion that drugs, drug trafficking and traffickers pose a threat to national security is not broached.



## ENDNOTES

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## CHAPTER 3

### METHODOLOGY

The research methodology for this thesis is a combination of descriptive, comparative, and historical analyses of potential roles for Army Intelligence in domestic counternarcotics activities subsequently evaluated in the context of their feasibility, suitability, and acceptability.

The descriptive part of the research will focus on three elements: identifying domestic law enforcement requirements; defining the traditional role and current capabilities of Army intelligence; and a discussion of the laws, regulations, and plans governing military ( and specifically Army intelligence) operations and assistance to law enforcement.

The comparative portion will be accomplished in two increments. First, Army intelligence community capabilities will be analyzed in light of domestic law enforcement requirements. Army intelligence capabilities will then be analyzed in the context of specific legal requirements or limitations to their employment.

The historical analysis will focus on the domestic application of military force over our nation's history.

The comparison of Army intelligence capabilities with stated law enforcement requirements for intelligence support will lead to conclusions about the feasibility of Army involvement. The laws that govern military support to law enforcement provide a basis on which to discuss the suitability and acceptability of Army intelligence participation in domestic counternarcotics operations. A comparison of the feasible Army intelligence capabilities with the laws that govern military support to domestic law enforcement will result in the identification of Army intelligence capabilities which are also suitable to the mission. Finally, and reflecting upon the implications of the historical experience of using military forces to enforce domestic laws as the basis for comparison, conclusion will be drawn about the acceptability of using Army intelligence assets in the domestic "drug war."

Analysis of all of the evidence will focus on feasibility, suitability, and acceptability issues as they are defined in the U.S. Army Command and General Staff College (CGSC) Strategic Analysis Model (SAM).<sup>1</sup> The CGSC SAM provides a mechanism for evaluating options or courses of action (COA) in a way that will determine if particular options or courses of action will result in successful implementation of policy.

In the contest of the SAM, feasibility concerns center on the question, "Are mobilized and usable resources adequate for implementing the option?" In this analysis the more specific question is, are Army intelligence units capable of providing the kind of intelligence support required? Do they have the right skills, equipment, training? and etc. This is something of a utility check.

Suitability considerations center on the question of the effectiveness of a given course of action. "Will the option attain the identified U.S. interest?" In this case, is the "drug target" an appropriate target for military intelligence operations? (e.g. are Army intelligence operations lawful against the enemy? and will Army intelligence support produce the kind of results law enforcement can use?")

Acceptability issues center around national will and public reaction to a given government action or policy. "Will the public support or at least not object to) the action?" In this case, is the national will sufficiently behind the use of Army intelligence units in operations that may infringe on the nation's traditional reluctance to employ the military in any way that "pits" it against the citizenry?

Research will focus on evidence that identifies the issues regarding the use of military intelligence assets to assist in the domestic counternarcotics operations. An attempt will be made to locate and analyze data from multiple sources. Opinion polls and surveys, as well as editorial comment from law enforcement officials and Army intelligence staff officials will be sought.

The material needed to conduct this research consists of official government documents, and non-official historical and current papers. A critical component of the research will be legislation and commentary on the issue. Additional research will be derived from data calls, studies, and surveys previously conducted.

1. This concept was first defined in a document prepared at the Naval War College, "Sound Military Decision." It was used in preparation of the U.S. Army Command and General Staff College Strategic Analysis Model (SAM). This model is taught as part of the course on Joint and Combined Environments (P511) in which students develop problemsolving skills related to strategic and operational decision making. National strategy, military conditions, operational objectives, courses of action, and resources are examined to provide the student an opportunity to apply the SAM to a potential security problem in various regions. This same model can be used to examine specific courses of action.

## CHAPTER 4

### DISCUSSION

#### The War on Drugs

War has been declared on drugs. The National Strategy has been prepared and disseminated. The Secretary of Defense has assigned the mission to the Commanders-in-Chief (CINCs) of the appropriate commands. Joint Task Forces are in place, and new ones are being formed. The military is fully engaged in the war on drugs.

For the purposes of this thesis, there are actually two separate drug wars. The laws regarding use of the military intelligence collection assets necessitate this distinction.<sup>1</sup> There is the international drug war--which targets the production and trafficking of narcotics outside the United States. This aspect of the drug war has been tasked to the Commanders-in-Chief of the regional combatant commands, e.g. Southern Command (CINCSOUTH), Atlantic Command (CINCLANT), and Pacific Command (CINCPAC). And there is the other drug war-- the domestic drug war--which targets domestic production, the flow of drugs across the borders, domestic trafficking, and use of drugs in the United States.

The Commander-in-Chief, Forces Command (CINCFOR) and North American Air Defense Command (NORAD) are responsible for the various aspects of the domestic war on drugs.<sup>2</sup> CINCFOR is charged with responsibility to coordinate support to law enforcement ground operations, with particular attention to the southwest border area, and has indicated his intent to coordinate support to law enforcement throughout the remainder of the United States through the Continental United States Armies (CONUSAs).

Legislatively the specified drug mission assigned to the Department of Defense in the National Defense Authorization Act of 1989 particularly addresses use of the military as the lead agency to detect and monitor aerial and maritime threats to our borders, and to integrate command, control, communications, and intelligence (C3I) into a communications network. However, Title 10 USC, "Cooperation with Civilian Law Enforcement Officials" provides for increased support to law enforcement operations as a means to fight the domestic drug war. This legislation opens the door for any number of military support missions although each must be carefully considered in light of the particular combatants involved. The Secretary of Defense's description of the situation assists in paving the way for military involvement in support of law enforcement in ways not previously considered.



The supply of illicit drugs to the United States from abroad, the associated violence and international stability, and the use of illegal drugs within the United States pose a direct threat to the security of the United States. The detection and monitoring of the production, trafficking, and use of illegal drugs is, therefore, a high-priority national security mission of the Department of Defense.<sup>3</sup>

With these words, Secretary Cheney has broadened the scope of the DoD task beyond that which has been mandated by Congress. In his statement he goes on to say,

An effective attack on the flow of illegal drugs depends upon action at every phase of the flow: (1) in the countries that are the source of the drugs, (2) in transit from the source countries to the United States, and (3) in distribution in the United States. The United States Armed Forces can assist in the attack on the supply of drugs in each of these phases.<sup>4</sup>

Military intelligence support to law enforcement must be carefully considered in light of the particular combatants involved. Enemy forces in the drug war include U.S. citizens. Instructions from the Office of the Secretary of Defense has directed that all military intelligence support to counternarcotics will be conducted in compliance with:

- 1) the laws of the United States;
- 2) Executive Order 12333 "United States Intelligence Activities," 4 December 1981;
- 3) DoD Directive 5240.1, "DoD Intelligence Activities," 25 April 1988;

4) DoD 5240.1R, "Procedures Governing Activities of DoD Intelligence Components that Affect U.S. Persons," 3 December 1982.

DoD guidance also indicates that sources and methods of intelligence collection must be protected, if appropriate. To protect against disclosure in the course of criminal prosecution, intelligence information obtained through sensitive collection techniques should not routinely be provided to law enforcement agencies except under guidelines established the Director of Central Intelligence.<sup>5</sup>

#### Domestic Law Enforcement Requirements

Domestic law enforcement requirements are the basis upon which to evaluate the feasibility of Army intelligence operations in the domestic drug war. It is impossible to suggest ways that Army intelligence can assist without knowing what their requirements are. It is necessary to define the target of counternarcotics operations.

#### The Target

The enemy in this war are all of the people, systems and resources involved in illicit drugs; the producers, the traffickers, the users. They are people of all nationalities, including U.S. citizens.

Drug traffickers, whether foreigners or U.S. citizens, who operate outside the United States and those who conduct their operations domestically have been compared to both insurgents and terrorists in terms of operational capabilities and methods. The President's National Security Strategy actually links insurgents, terrorists, and narcotics traffickers,

the increasing linkages between international terrorists and narcotics traffickers continue to challenge U.S. interests<sup>6</sup>

Thus, evidence suggests the war on drugs is not so much a war as it is an ongoing low-intensity conflict of indefinite duration.<sup>7</sup> A number of sources reinforce this characterization.

Cocaine trafficking is a particularly poisonous form of low intensity conflict (LIC) in that the traffickers are ruthless, organized and innovative, and they possess resources that would be the envy of any guerilla movement.<sup>8</sup>

While the drug traffickers are much like insurgents and terrorists, they are actually much better equipped to conduct their business.

Drug cartels are channeling their financial spoils from unlimited trafficking to buy the most advanced communications equipment commercially available, as well as to obtain excellent training and knowledge of U.S. doctrine and techniques.<sup>9</sup>

These sophisticated communications capabilities include on-line encryption capability, frequency hopping radios, intercept equipment, radar warning receivers, and cellular telephone equipment. Other modern technology used by drug traffickers include personal computers with communications modems, tape recorder detectors, metal and radar detectors, bearcats scanners, electronic alarm systems, paging devices, night vision devices, and remotely piloted vehicles.<sup>10</sup>

#### Drug Intelligence

The Drug Enforcement Administration (DEA) is the primary drug intelligence gathering agency for the federal government. It has the Joint Drug Intelligence Group (JDIG) to conduct its intelligence gathering operations. According to the JDIG "intelligence work can target political, economic, military, industrial, technological and criminal issues." The JDIG further identifies the intelligence cycle in four phases: 1) collection, 2) collation, 3) analysis, and 4) dissemination.<sup>11</sup> This cycle looks surprisingly like the intelligence cycle identified by the U.S. Army. The phases of the cycle are also very similarly defined.<sup>12</sup> According to the JDIG,

collection entails determining what information is needed, then identifying the sources of information

to meet the levied "requirements," and, finally, gathering the data.

collation is the process through which the gathered data is sorted and archived for later retrieval.

analysis entails comparing the available information to determine veracity, discerning trends and extrapolating intelligence gaps when possible.

dissemination, the final stage, reduces the analyzed data into intelligence reports and assessments for distribution to interested users, be they the policy makers, strategists, or line officers, such as case agents.

According to the JDIG strategic intelligence is the intelligence that provides a basis on which to establish policies, priorities and to allocate resources. Operational intelligence (tactical) support the policies and priorities and contributes directly to the success of an immediate law enforcement objective.<sup>13</sup>

Whether it is a war or a low intensity conflict is irrelevant really. The DoD is involved, and the task at hand is to determine what are the operational roles of the elements of military power.

#### Drug Intelligence Requirements

Intelligence information requirements are the foundation of any intelligence operation. One must first identify what information is needed before one can

deliberately set out to collect that information.<sup>14</sup> In the Army, requirements for intelligence information are normally expressed in terms of Priority Intelligence Requirements (PIR).<sup>15</sup> Domestic drug intelligence information requirements center on the data that answers the questions law enforcement agencies have about the source of drugs, where they are sold, who is involved, how is the drug money moved, and so on. In the Army, this kind of data is generally referred to as order-of-battle or tactical intelligence. Law enforcement agencies need tactical intelligence to make arrests and seize drugs.

Tactical drug intelligence is actionable information on the current or imminent location and movement of particular smuggling, trafficking targets, and requires immediate law enforcement response to effect arrest and seizure.<sup>16</sup>

Law enforcement agencies continue to state their need for increased intelligence about smuggling movements and commercial shipments into the United States.

Law enforcement officials believe that interdiction can be improved by developing more reliable and timely intelligence collection, analysis, and dissemination so that agencies can do a better job targeting their efforts.<sup>17</sup> They also believe the DoD has an enormous amount of intelligence about drug traffickers which they could use in the domestic drug war if only they could get their hands on

it.<sup>18</sup> Whether or not this is true is beyond the scope of this research. It is safe to say, however, that while the military intelligence community places some priority on drug related intelligence, in comparison to other more traditional military requirements, the relative priority given has routinely fallen well below the priority assigned for example, by the intelligence department of the DEA.

Priority domestic intelligence requirements center on finding out where, how, when, and by whom drugs are produced, sold, transferred, and used. This includes, but is not limited to locating clandestine airstrips, crack houses, and domestic drug-producing laboratories. What law enforcement agencies have not routinely done in the past, is state their requirements for intelligence in terms of local law enforcement. None of the literature researched was specific in defining what the actual requirements for intelligence are. Researchers at the John F. Kennedy School of Government, Harvard University, stated in a recent study, "the LEAs are not very good at specifying their requirements, but most agents know them."<sup>19</sup> In a hearing before the Armed Services Committee, the Director of the Staff Director of the National Narcotics Border Interdiction System stated in 1988,

There is an effort underway at this time on the part of the Federal Government at large to increase the participation of the national intelligence community to collect intelligence and to get that intelligence to the interdicting agencies. In the past, part of the problem was that they were not

exactly sure of exactly what kind of information was needed by those interdiction agencies....there was a formal tasking given to the interdiction agencies to define their what their intelligence needs are;...That has been done and is being done now.<sup>20</sup>

There are a number of reasons why law enforcement officials have not done a good job articulating these requirements, but by far the greatest is that they simply do not have a good understanding of what the military is capable of. Discussions with several law enforcement officials, and testimony before Congress reinforce the notion that military capabilities are generally misunderstood. DoD has also not been helpful in this regard. In an effort to resolve this situation, in 1986 Congress directed the DoD to provide a list to law enforcement that detailed military capabilities in this area. This list was to include items such as types of surveillance equipment that could be used, types of communications equipment, and land vehicles that may be appropriate. This list was prepared and provided. There is no evidence, however, that law enforcement officials at the local level have any greater understanding about military capabilities than they have historically had. Fortunately, while a thorough assessment of law enforcement's intelligence requirements has yet to be completed, it is one of the agenda items established by CINCFOR in his overall narcotics interdiction plan<sup>21</sup>.



Another important consideration in the discussion of law enforcement requirements centers on the fact that different law enforcement agencies have different requirements. Not only are they regionally oriented, (e.g. states along the borders of the United States have different requirements than those in Mid-America) but the laws that govern their individual responsibilities are different. Customs officials, for example need only information regarding the location of drugs coming into the country. Once they have confiscated illegal drugs entering the country, their jobs are done. DEA, on the other hand, has the job of arresting smugglers and traffickers. It is not just enough to seize quantities of drugs or money. They want to arrest and successfully prosecute the people involved. This requires a different level of intelligence. Local law enforcement officials also look for arrests and convictions.

A recent JDIG report outlined drug intelligence requirements in general terms.<sup>22</sup> These requirements are detailed in Appendix A.

Law enforcement officials have also stated a need for more personnel, administrators, equipment and logistical support they believe the military could provide. In numerous hearings, law enforcement officials stated they need, transportation support, detection dogs, night vision devices, language training, and so on.<sup>23</sup> The specific

kinds of intelligence related equipment they identified include radio intercept equipment, wide area voice detection and video surveillance devices, and sensors for collection. In terms of personnel, they have expressed needs for interpreters, analysts, and intelligence training. Law enforcement officials have stated a need to be able to track vehicles and people.

Law enforcement officials believe military intelligence assets could provide them with additional support they cannot provide for themselves, and that such support could be integrated with other law enforcement agencies intelligence products.

The existing sources of foreign and domestic drug intelligence operate independently of each other because of legal and operational concerns related to both collection and sharing of these data. Drug intelligence data from law enforcement and national intelligence sources must be merged if an effective anti-drug intelligence network is to be created.<sup>24</sup>

Another, and very key, issue that must be considered is law enforcement's requirement to apprehend drug traffickers and successfully prosecute those criminals. The Drug Enforcement Agency's mission is to immobilize by arrest and prosecution, "major drug violators" of the Controlled Substances Act "operating at interstate and international levels." <sup>25</sup> So too, are the local sheriffs and state and local police interested in making arrests. This is a factor

of eminent importance if Army intelligence is to provide support to law enforcement in terms of collection of drug intelligence, because of the constitutional protections that must be afforded in terms of such things as right to privacy, protection from unreasonable search and so forth. Evidence must also be admissible in a court of law and an accused has the right to face his accuser even if doing so would compromise national security.

The key law enforcement concern here has to do with the "fruit of the poisonous tree" doctrine which says that any evidence that is illegally obtained cannot be used in a court of law, against the person whose right were violated, nor can any evidence that results from that which was illegally obtained be used against that person.<sup>26</sup>

Similarly, the Army intelligence community's concern has to do with potentially having to provide information on how certain information is obtained. If ongoing intelligence operations or capabilities would be compromised during testimony, the Army would be exempt from providing such testimony under the Classified Information Procedures Act. This is a critical aspect of the guidance issued by the Secretary of Defense.

There is evidence that this concern is being addressed. The Office of National Drug Control Policy (ONDCP) has recently submitted legislative recommendations that include amending the Federal Rules of Criminal

Procedure to provide that the United States not be required to produce classified foreign intelligence information except to the extent that due process requires.<sup>27</sup> This appears to be an attempt to work around identifying sources and methods in a way that information gathered by intelligence sources could be used in a court of law.

### Army Intelligence

Before examining a possible domestic role for the Army intelligence in the domestic war on drugs, it is necessary to review the traditional role of Army intelligence.

The role of Army intelligence derives from the statutory foundations and roles and missions of the Army. The active component of the United States Army is a military force of approximately 764,000 men and women. The mission of the Army is defined in Title 10, USC and articulated in JCS Pub 2, Unified Action Armed Forces (UNAAF),

To organize, train, and equip forces for the conduct of prompt and sustained combat operations on land--specifically, forces to defeat enemy land forces and to seize, occupy, and defend land areas.<sup>28</sup>

Intelligence is defined in Field Manual 34-1,  
Intelligence and Electronic Warfare Operations,

The product resulting from the collection, evaluation, analysis, integration, and interpretation of all available information which concerns one or more aspects of foreign nations or of areas of operations and which is immediately or potentially significant to military planning and operations.

#### Service Intelligence Agencies

Service level intelligence agencies primarily focus on the collection and production of strategic intelligence needed by the Army to prepare forces to go to war. At the Service level, two organizations primarily provide the operational control and production support.

Intelligence and Security Command (INSCOM). The mission of INSCOM is to conduct intelligence and counterintelligence (CI) and electronic warfare (EW) operations, in the United States, and overseas, in support of the Army at echelons above corps. This includes the conduct of signals intelligence as part of the United States Signals Intelligence System (USSS); overt and controlled human intelligence operations in general support of the Army and other authorized U.S. intelligence community collection requirements; counterintelligence investigations in support of the Army; and exploitation of foreign documents for useful military information.

The Army Intelligence Agency (AIA) is a field operating element of the Deputy Chief of Staff for Intelligence (DCSINT). Its mission is:

1) Recommend policy and manage the production and dissemination of intelligence and intelligence related products in support of Army missions.

2) Provide threat analysis support to Army force, combat and materiel developers.

3) Assist in the development and the review of the application of threat in major acquisition programs.

AIA has created a counternarcotics task force within the agency. Its mission is to:

provide all-source operational and tactical current intelligence to support FORSCOM J-2 and JTF-6 to assist Drug Law Enforcement Agencies' efforts to stem the flow of illegal drugs across the land borders of the United States.<sup>29</sup>

This task force is working with FORSCOM to prepare an intelligence preparation of the battlefield (IPB). That IPB could include development of:

- 1) Terrain analysis
- 2) Climate studies
- 3) Lines of Communication (LOC)
- 4) Loading and transit points
- 5) Arrival zones

- 6) Critical nodes and choke points
- 7) Trafficking groups
- 3) Infrastructures
- 9) Vulnerability studies

Tactical Intelligence Units. Tactical army intelligence units are organized and capable of assisting military planners in developing courses of action designed to defeat the enemy in land combat. Army intelligence units in the Continental United States (CONUS) include a military intelligence brigade which supports Third Army. The brigade is part of the Intelligence and Security Command (INSCOM). Forces Command (FORSCOM) units include military intelligence brigades assigned to I, III, and XVIII Airborne Corps; military intelligence battalions within those brigades, and military intelligence battalions (Combat Electronic Warfare and Intelligence (CEWI)) assigned to each U.S. based division. There are a number of other military intelligence units of battalion and company-size, that perform specialized missions.

#### Intelligence Disciplines

Army intelligence collection assets in FORSCOM fall into one of three types/disciplines.

Human resource intelligence (HUMINT) Human intelligence is that collection discipline which uses human beings both as sources and collectors. It includes, but is not limited to gathering foreign intelligence information through observation, elicitation, exploitation, or the acquisition of material and documents.<sup>30</sup>

Signals intelligence (SIGINT) Signals intelligence is the product resulting from the collection, evaluation, analysis, integration and interpretation of information derived from intercepted communications.

Imagery intelligence (IMINT) Imagery intelligence is that information gathered using radar, photographic, infrared, and electro-optical imagery. It can be gathered by means of drones, aircraft, overhead systems, or hand-held devices. Other data gathered from systems such as ground surveillance radars, and night vision devices fall into the imagery intelligence category.

A list of technical intelligence equipment available to CINCFOR is found in Appendix B.

#### Concept of Support

The Army intelligence community has developed its concept of support to the CINCs. It is articulated in the



Army Counternarcotics Plan which is at Appendix C. In the implementing guidance of that plan it states,

(Army intelligence) provides tactical intelligence support to include production and analysis assistance, linguist/document exploitation; and develops innovative intelligence methods and techniques for counternarcotics collection, analysis, and production.

The Deputy Chief of Staff for Intelligence (DCSINT) states that Army intelligence will initially focus support to Commander-in-Chief, South (CINCSOUTH) and CINCFOR. It will treat the drug war doctrinally as a low intensity conflict, and will emphasize ground tactical intelligence. Army intelligence goals include: providing linguists, translators, and document exploiters; reserve military intelligence detachment assistance in analytical and production support to CINCSOUTH and CINCFOR; tactical sensor development; development of training programs at the United States Army Intelligence Center and School (USAICS); development of an Intelligence Preparation of the Battlefield (IPB) product for use by CINCFOR; development of a "lessons learned" program for counternarcotics intelligence; continued review of Army intelligence capabilities for use against the drug target.<sup>31</sup> The Army plan also restates the DoD guidance that all intelligence

operations will be conducted within the laws of the United States, and the DoD directives.

#### U.S. Army Intelligence Activities

The primary Army intelligence regulation that establishes policies and procedures governing the conduct of intelligence activities of the U.S. Army derives from Executive Order 12333 and DoD Directive 5240.1. AR 381-10, "U.S. Army Intelligence Activities," 1 August 1984, defines the types of information that may be collected about U.S. persons. AR 381-10 states that, "information may be collected about a United States person who is reasonably believed to be engaged in international narcotics activities." While Executive Order 12333 does not define international narcotics activity, the Department of Defense has defined it in DoD Directive 5240.1R as "activities outside the United States to produce, transfer or sell narcotics or other substances controlled in accordance with U.S. law." This means that DoD intelligence collectors, who cannot otherwise collect intelligence against U.S. citizens, can collect information about U.S. citizens involved in narcotics activity occurring outside the United States. Before the DoD role in the counternarcotics mission increased, this definition served its purpose. But, in fact, it is no longer a good definition because it leaves

unanswered the question, "at what point do drugs that are produced, transferred and sold outside the United States (international narcotics activity) become domestic narcotics activity?" This presents a problem for the intelligence community. Some will argue that drugs produced, transferred and sold outside the United States, and then brought into the United States and redistributed and sold to Americans constitutes international narcotics activity, and that the traffickers who buy, redistribute and sell drugs from Colombia, or Southeast Asia are participating in international narcotics activity. This highlights a key issue in determining the legal limitations of Army intelligence activities directed against domestic aspects of the drug war. One could conclude that those same DoD intelligence personnel collecting intelligence against U.S. citizens participating in international narcotics activity outside the United States can or should continue to collect that same information inside the United States. Others will argue that this is not the case. This question has not been answered with any degree of certainty, however, the Office of Intelligence Oversight of the U.S. Army Intelligence and Security Command suggests that the definition of international narcotics activity is broad enough to allow the Army to work within the intent of the regulation to assist in providing intelligence support to the counternarcotics effort. <sup>32</sup> Lack of explicit guidance in

this regard may lead to Army programs that border on or cross the line of legality. Such has been the case in the past, and will be addressed later in this thesis.

### Army Intelligence Capabilities

Almost every aspect of the national drug strategy targeted at the supply side depends on the collection, analysis, and dissemination of timely and accurate intelligence. Intelligence collection methods which have application to narcotics control fall into two categories: technical intelligence and human intelligence.<sup>33</sup> Research identifies the following possible intelligence collection missions in support of the war on drugs:<sup>34</sup>

#### Technical means:

- 1) ground/airborne radio intercept and direction finding (DF)
- 2) ground surveillance radar (GSR) and remote sensors
- 3) photo reconnaissance and side-looking airborne radar (SLAR)

#### Human means:

- 1) human intelligence support (HUMINT)
- 2) counterintelligence (CI)

## Technical Means

Collection of intelligence by technical means refers to acquiring information about someone or some activity through the use of a mechanical device. This includes radio intercept equipment, photographic or imaging devices, ground surveillance radars, listening devices, and so on. The Army is equipped and trained to use these techniques for gathering information about a potential enemy across the spectrum of conflict.

## Signals Intelligence

One of the most productive type of technical collection is ground and airborne radio intercept and direction finding. This intelligence capability has long been recognized as a major contributor to the drug war focused outside the continental United States and could have limited application in some domestic aspects of the drug war. As early as 1970, the predecessor to the DEA stated to the National Security Agency (NSA), that it had a requirement for, "any and all COMINT information which reflects illicit traffic in narcotics and dangerous drugs." Specific areas of interest included organizations and individuals engaged in such activities, the distribution of narcotics, narcotic cultivation and production centers,

efforts to control the traffic in narcotics, and all violations of U.S. law concerning narcotics and dangerous drugs.<sup>35</sup>

Army intelligence units at most echelons have, as organic equipment, some radio intercept and direction finding equipment. Most of this equipment is designed to collect and locate signals emitted from tactical communications associated with combat operations. Intercepting signals provides information and technical data on the enemy's electronic systems as well as raw data for processing into intelligence. Locating, or direction finding (DF) operations provide location data on enemy radio and radar antennas. When combined with other information, this can provide usable targeting data.

The Army generally collects tactical signals intelligence using a frequency sweeping technique. Operators generally know what frequency spectrum they are interested in searching. They normally dial throughout the frequency spectrum until they find a frequency on which there is communication. Some equipment can do this automatically. When a signal is intercepted, the operator generally listens to determine if the communication is of any tactical value and once a determination is made, he or she will begin to copy the traffic. This works well in an environment where there are no legal or regulatory

prohibitions from collecting anything that the operator hears.

Operators are trained to collect voice communications, and morse code, for example. Other, more sophisticated traffic analysis techniques can be applied to determine communications patterns, which reveal activity levels and command relationships. Another capability is telephone monitoring, which the Army does routinely to itself to determine operational security profiles.

Army capabilities also include techniques to intercept radar signals. This is particularly useful in detecting aircraft.

### Imagery Intelligence

The Army also uses aerial surveillance and photo reconnaissance to gather intelligence information. In wartime, aerial surveillance is used to locate large enemy formations, equipment, and supplies. Military pilots are trained to identify military activity and to provide spot reports. Aerial surveillance is a capability that has application in the domestic drug war. The use of Army helicopters for surveillance, has been a continued source of discussion.

I think within the present confines of the Posse Comitatus...military equipment on active bases...can

be used in surveillance activities as long as those are in concert with, and certainly not in contravention of their primary mission.<sup>36</sup>

In response to law enforcement requirements to locate sources of drugs, including marijuana fields and drug producing laboratories, aerial surveillance missions would provide good intelligence. This type of support is certainly feasible and there is precedence for such activity as National Guard military intelligence units have supported U.S. Customs with photo, infrared, and side-looking airborne radar in the past.<sup>37</sup> This, of course, would require Army photo analysts to be trained to identify such terrain features as crops and production facilities. Unlike airfields, these are not traditional targets in imagery interpretation keys and other supporting documentation.

Army photo reconnaissance capabilities can also be useful in providing overhead photos of urban areas which might be useful for local law enforcement. One of the ways that overhead imagery is used in the Army is what is called change detection. This term is most often associated with multi-spectral imagery, or infrared imagery, but it has an application using overhead black and white imagery, as well. For example, if law enforcement officials have a need to locate new airstrips or new marijuana fields; things that can be seen with the naked eye, new imagery can be compared with older imagery to detect changes.



The Army is currently conducting a photo reconnaissance training mission along the U.S. Mexican border. This operation, HAWKEYE, involves U.S. Army intelligence personnel who fly training OV-10 Mohawk aircraft along the border. Information collected from the photography is provided to the Customs Service Patrol Division. Imagery analysts can maintain files that will provide law enforcement agencies indicators of changes in pattern or movement analysis.

Another technical means of intelligence collection is ground surveillance radars (GSR) and remote sensors. One of law enforcement's most critical needs for intelligence centers on the movement of drugs, and drug related paraphernalia. This includes movement across the land borders of the United States and movement to and from production facilities or crop areas. Two standard types of ground surveillance radars can detect the movement of personnel and vehicles between the ranges of 0-6 km for personnel and 0-10 km for vehicles. Ground surveillance radar is normally deployed along avenues of approach or around an area for which a security perimeter is required. A training mission using GSRs, similar to the HAWKEYE mission is being conducted, also along the U.S. Mexican border. This operation, GROUNDHOG, employs ground surveillance radars and remote sensors along the border

where students at the U.S Army Intelligence Center and School, Ft. Huachuca, Arizona conduct training on these sensors. Information gathered during this training is passed to the same Customs officials.

### Human means

### Human Intelligence

Much of the information that local law enforcement agencies need in order to apprehend dealers and seize drugs can only be obtained through a substantial human intelligence network/informants. The Army conducts traditional foreign intelligence operations using human sources. These operations can be defined as dedicated means and nondedicated means.<sup>38</sup> Dedicated means is comprised of those elements or units whose primary mission is the collection and reporting of information obtained from human sources. Dedicated HUMINT collectors conduct both overt and controlled operations. Non-dedicated means include those individuals, units or elements whose primary mission is something other than HUMINT collection. For example, an infantry unit conducting operations in a given area that reports enemy information.

HUMINT operations include debriefing operations, document exploitation, liaison, observation, elicitation,

interrogation, long range surveillance, tactical agent operations.

HUMINT collectors must be highly skilled in interpersonal relations and communications as well as in foreign language and general intelligence subjects.

It is difficult to imagine a scenario where Army HUMINT collectors would be targeted against drug traffickers or trafficking rings inside the United States directly. Not only is it extremely hazardous to the physical and mental safety of the agent, domestic intelligence collection laws would preclude such operations by military members. These operations are so difficult and dangerous that only the most highly trained law enforcement officers ever participate in them. It is more likely that Army HUMINT operations in support of law enforcement would focus on assistance in debriefing, linguist support, document exploitation, and human surveillance teams along the southwest border.

### Counterintelligence

Army counterintelligence operations include specific actions which are designed to counter the hostile intelligence threat, i.e. identify enemy collectors, including human agents; safeguard the commander from surprise; deceive the enemy commander; and counter enemy espionage, subversion, and terrorism.

Army counterintelligence units all have trained counterintelligence (CI) agents/special agents assigned. If given missions to assist law enforcement in fight the drug war, these agents could use the techniques or skills taught to them in the counterintelligence courses taught at the U.S. Army Intelligence Center and School (USAICS) and those skills they attain while assigned to CI units to assist law enforcement with the traditional counterintelligence mission of protecting the force. CI agents receive training which prepare them to:

- 1) identify threats
- 2) recommend technical surveillance countermeasures
- 3) conduct polygraph testing
- 4) conduct CI investigations
- 5) prepare reports
- 6) conduct CI interviews

Drug enforcement officials have indicated that the drug traffickers have been very successful in mounting their own collection capabilities against our law enforcement agencies. Whether this is through penetration of LEAs, bribery, development of inside information, or through careful monitoring of police activities, drug traffickers are able to predict law enforcement moves and can rapidly adjust delivery schedules, for example, to avoid being

apprehended.<sup>39</sup> They also pose a threat to the security of not only counternarcotics operations, but personnel as well. This will become increasingly more important from the Army point of view, as Army liaison personnel are assigned to support local law enforcement, and at the Joint Task Force locations. Counterintelligence operations in this case must assess the threat to not only the operations ongoing at those locations but to the personnel assigned. This will, over time require that Army counterintelligence personnel become involved in incident investigations, traditional CI operations in support of the operational security (OPSEC) of JTF operations, and other sensitive investigations similar to other investigations into subversion and espionage directed against the Army (SAEDA).<sup>40</sup>

Law enforcement agencies might be able to take advantage of one or all of the traditional Army counterintelligence capabilities, such as support to operations security (OPSEC). Law enforcement agencies might be able to benefit from some of the traditional evaluation tools used by counterintelligence personnel to identify vulnerabilities or security leaks, for example.

One thing is clear, counterintelligence units cannot be used to penetrate drug cartels or drug organizations in order to gain targetable intelligence information.<sup>41</sup>

In terms of support to CINCFOR, it is necessary to identify the ways in which Army intelligence units can

assist domestic law enforcement, as this is his assigned mission.

With regards to providing intelligence support to law enforcement, Procedure 12 of the regulation states,

DoD intelligence components are authorized to cooperate with law enforcement authorities for the purpose of: investigating or preventing clandestine intelligence activities by foreign powers, international narcotics activities, or international terrorist activities

Again, the definition of international narcotics activity leaves room for interpretation. On the surface this would appear to set the stage for collection of intelligence in the domestic war on drugs, regardless of who the participants are, however, more careful consideration and reading establishes the parameters of that assistance.

First, the regulation states that DoD intelligence components may provide information that is "incidentally-acquired" meaning information that is obtained during the course of normal operations. Also, specialized equipment and facilities and intelligence personnel may be provided to federal law enforcement authorities, and when lives are endangered, to state and local law enforcement authorities.

## Intelligence Support to Civilian Law Enforcement

Another set of laws and directives apply to the support Army intelligence can provide to law enforcement. It is these laws that require Army intelligence to play a role in the war on drugs.

Chapter 18, Title 10, USC, "Military Cooperation with Civilian Law Enforcement Officials" is the law that compels the military to support law enforcement in the war on drugs. Army intelligence can assist law enforcement officials in the domestic aspects of the drug war in a number of ways under the provisions of Sections 371-376 which define specifically those activities which are authorized.

Section 371. This section states that military forces may provide information to civilian law enforcement that is collected during the course of regular military operations or training. Congress envisioned, for example, that military exercises both on land and at sea in high drug trafficking areas would be beneficial in either deterring smugglers from using well developed transit areas, or providing increased intelligence reporting from those forces operating in the areas.

Army intelligence units can provide drug-related intelligence collected in the course of routine training,

operations, or investigations. For example, counterintelligence agents involved in lawful counterespionage, counterterrorist, countersabotage investigations can, and do routinely provide information related to drug trafficking, if it is discovered, to local FBI agents. Army counterintelligence has no authority, however, to conduct investigations that do not have a military connection. Military intelligence units conducting training along the southwest border, or in training areas within the United States can report information gathered incident to that training. The issue of collection against U.S. citizens becomes important to Army intelligence specialists because such routine operations do not immediately identify the subjects of the collection. It is possible that information could inadvertently be collected against U.S. citizens during such training and routine operations. With regard to intelligence support to law enforcement, AR 500-51, "Support to Civilian Law Enforcement", addresses collection of information on U.S. citizens as follows,

Planning and execution of compatible military training and operations may consider the needs of civilian law enforcement officials for information, when the collection of information is an incidental aspect of training performed for a military purpose. This does not permit:

- (1) Planning or creating missions or training for the primary purpose of aiding civilian law enforcement officials



(2) Conducting training or missions for the purpose of routinely collecting information about U.S. citizens.

Section 372. This section permits the military to make available any equipment, base, or research facility for law enforcement purposes. In this regard, Army intelligence units can loan intelligence collection equipment, such as ground surveillance radars, voice intercept and direction finding equipment, radar intercept equipment, photo reconnaissance equipment, and telephone monitoring equipment to law enforcement agencies, when requested. Evidence suggests that some of the equipment Army intelligence units have may be useful in some situations, but again, the domestic intelligence collection law continue to limit the use of military personnel to operate such equipment when U.S. citizens are involved.

Section 373. This section states that the Services may assign members to train law enforcement officials in the operation and maintenance of such equipment; and can provide expert advice relevant to the use and maintenance of that equipment. This section sets the stage for increased training of law enforcement on intelligence equipment and procedures. Army intelligence units can provide instruction on the use of its intelligence collection equipment, as well

as advice on how to employ it, and process the information that is derived.

Army intelligence can provide domestic law enforcement agencies with intelligence training of various types, including collection management, situation assessment, development of orders-of-battle, targeting, analysis and production, counterintelligence, operations security, dissemination, and deception. This training can be provided in various forms, including formal schooling at the U.S. Army Intelligence Center and School (USAICS), liaison officers from the Army to law enforcement agencies, and mobile training teams (MTT). The training can be tailored to meet a given organization's needs, or it can consist of a standard package prepared by the USAICS.

Evidence suggests that there is a great need for such training. Federal law enforcement officers have the opportunity to train at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia. The center is the nation's leading organization for training of federal law enforcement officials and provides training for personnel from over 60 organizations. A review of the 1989 training manual indicates there is no dedicated intelligence training offered where some is clearly needed. A draft program of instruction included reference to four hours of intelligence related training, but it appeared to be insufficient to meet the needs of agents who will be dependent on intelligence

information to apprehend traffickers.<sup>42</sup> This is indicative of the lack of intelligence-type training law enforcement officials receive.

Evidence does suggest, however, that law enforcement officers do perform intelligence work in what that community refers to as case work. Clearly, police officers, narcotics officers, and intelligence analysts do piece together bits of information gathered from observation, elicitation, informants, and so on. It may be that intelligence collection, production, and analysis as we understand it in the Army is not all that different than work performed by law enforcement. One area that we may be able to provide additional training is in the collection management aspect of intelligence work. That is, tasking for collection. Discussions with various law enforcement officers suggest that this particular type of intelligence work is not prevalent in law enforcement operations.<sup>43</sup>

Collection management suggests that someone, usually the analyst, determines a gap in the information known and directly tasks a collector to go out and get that bit of information. This is key to successful situation assessment and target analysis.

Section 374. This is a very complicated and lengthy section. It basically says that the military can provide assistance in the form of actually operating and maintaining

equipment only to the extent that the equipment is used to monitor the movement of air and sea traffic. While this section directly addresses equipment to monitor air and sea traffic, it sets the precedent for operating equipment designed to monitor movement of land traffic. There is, in fact, currently a legislative proposal submitted by the Office of National Drug Control Policy (ONDCP) that changes the language of this section to add the word "land" after the word "air". This change in language would permit DoD personnel to operate equipment for the purpose of detecting and monitoring the movement of land traffic.<sup>44</sup> It will also significantly impact on the amount and type of intelligence support the Army will be able to provide. Army intelligence units are more than capable of conducting such operations, and providing associated training.

Section 375. This section restates the most commonly held understanding of the Posse Comitatus Act in that it prohibits any direct participation by a military member in search, seizure, arrest or similar activity during the course of an interdiction of a vessel or aircraft. It is not likely that intelligence personnel will find themselves involved in these situations. Of more concern here is the extent to which providing intelligence is considered direct participation in law enforcement activities. DoD Directive 5525.25, "DoD Cooperation with

Civil Law Enforcement Officials", and AR 500-51, "Support to Civil Law Enforcement", prohibits

Use of military personnel for surveillance or pursuit of individuals or as informants, undercover agents, investigators, or interrogators.

This directive states that such activity constitutes "direct participation" in law enforcement.

Section 376. This section assures that no assistance can be given if such assistance will adversely affect readiness. Some evidence suggest that Army intelligence units would gain training opportunities against live targets.

## ENDNOTES

1. The intelligence laws governing activities directed against U.S. persons are distinctly different than those authorized outside the United States and against foreign nationals.
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3. Office of the Secretary of Defense, DoD Guidance for Implementation of the President's National Drug Control Strategy, (Washington, D.C., Sept 18, 1989).
4. Ibid.
5. This guidance has been issued in numerous sources. Secretary Cheney has highlighted these concerns throughout the intelligence community in press releases, briefings, policy memos, letters of instruction, and in testimony before Congress.
6. The White House. National Security Strategy, Jan 88, 6.
7. U.S. Congress, House, Committee on Armed Services, National Defense Authorization Act for Fiscal Years 1990-1991, Report, 101st cong., 1st sess., Report 101-121, 315.
8. William V. Cowan, "Melting the Snowman: Communications and the Counternarcotic Threat," Signal, December 1989, 29.
9. Cowan, 27.
10. This is a comprehensive listing of narcotics trafficking capabilities. The various equipments are listed in numerous sources.
11. Federal Bureau of Investigation, Drug Enforcement Agency, Joint Drug Intelligence Group, "Colombian/South American Drug Trafficking Organizations," 24 February 1989, 2-6.
12. Ibid, 2.
13. Ibid, 4.
14. Field Manual (FM) 34-3, Intelligence Analysis (Washington, D.C.: Dept. of the Army, March 1990), 2-1.
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21. "Why a Drug War?", briefing at the USACGSC, 8 March 1990.
22. Federal Bureau of Investigation, Drug Enforcement Agency, Joint Drug Intelligence Group, "Colombian/South American Drug Trafficking Organizations," 24 February 1989.
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24. U.S. Congress, House, Committee on Armed Services, National Defense Authorization Act for Fiscal Years 1990-1991, 101st Cong., 1st sess., 1989, H. Report 101-121. p. 318.
25. U.S. Department of Justice, Drug Enforcement Administration: A Profile, Jul 1981, 4.
26. Wolf Sun v. United States, 371 U.S. 471, 83 S.Ct. 407, 9 L.Ed. 2d 441 (1963) -p. 107.
27. ONDCP Memo, "Legislative Proposals", 16 February 1990.
28. The Joint Chiefs of Staff, JCS Pub 2, Unified Action Armed Forces (UNAAF), (Washington, D.C., 1 December 1986), 2-4.
29. "AIA Today," briefing presented at the USACGSC, Ft. Leavenworth, Kansas, 10 December 1989.

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32. Major John Seddon, Intelligence Oversight Office, INSCOM, personal interview, 17 March 1990.
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34. U.S. Army Forces Command message to JCS, "Operations Order-Counternarcotics Operations (U)," 152330Z Oct 89.
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41. OSD Memo, "Counterintelligence Support to Counternarcotics Activities (U)", Sep 89.
42. Department of the Treasury, "Federal Law Enforcement Training Center," August 1989.
43. Mr. Bill Lee, Florida Department of Law Enforcement, personal discussion 22 March 1990.
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## CHAPTER 5

### FEASIBILITY, SUITABILITY, AND ACCEPTABILITY

This chapter addresses the feasibility, suitability, and acceptability of using Army intelligence in the domestic war on drugs.

#### Feasibility

The feasibility test addresses capabilities. Are certain courses of action possible in terms of numbers of assets, training and skills of the participants, can the action be supported logistically, and so on. The question in the context of Army intelligence and the domestic drug war is, are Army intelligence units capable of providing the intelligence support required by local law enforcement?

The feasibility of using Army intelligence assets against the domestic drug target is directly related to technical and human collection capabilities and the number of intelligence assets available within the force structure. The specific question is, can Army technical intelligence units, or human intelligence, collect the intelligence law enforcement agencies need?

Signals intelligence units are technically capable of applying the techniques of signals intercept and

direction finding to drug trafficking communications nets if those communications methods, i.e. frequency and modulation, match the capabilities of Army intercept and DF equipment. The evidence shows that drug traffickers use a variety of communications means and modern technology which include the most sophisticated transmission and encryption equipment.

In recent years, technology in the telecommunications industry has progressed at such a rapid pace that law enforcement is deficient in many areas including microwave and satellite message transmission intercept. In addition, the availability of portable satellite communications equipment to the general public is as common place as the hand held cellular telephone.<sup>1</sup>

While standard Army signals intelligence capabilities are varied, a review of traffickers methods of communication, suggests that standard Army intelligence and electronic warfare equipment may not be effective against the domestic drug target. For instance, drug traffickers are known to use equipment such as cellular telephones which operate in the 800-900 Mhz range, and frequency hopping radios. Most tactical intercept and DF equipment operates in the .5 to 500 Mhz range.<sup>2</sup>

In terms of imagery intelligence collection, aerial surveillance can be performed by Army reconnaissance aircraft. The kinds of information needed regarding movements of drugs, people, and money, however, are not well suited to overhead imagery operations. Side-looking

airborne radar (SLAR) imagery has applications only in determining ground movement location. It cannot distinguish a vehicle carrying legal commercial goods from vehicles carrying illegal goods. Aerial surveillance may have application along the borders of the United States, but there is no evidence that supports an application within the boundaries of the United States.

In terms of human intelligence, Army personnel are technically capable of performing duties as undercover agents, interrogators, and informants. In discussing feasibility, it is correct to say that Army HUMINT personnel are capable of performing investigative work similar to that which is performed by drug law enforcement personnel. Assistance can be provided in terms of document exploitation and translators.

### Suitability

In addressing the suitability of using Army intelligence in the domestic drug war, the reader must consider a number of questions. In trying to decide if a course of action is suitable, one must consider first, if the course of action will produce the desirable results. In the case of the drug war, people want arrests, seizures, confiscations--they don't want illicit drugs coming into the country.

Would using Army intelligence units to support law enforcement help law enforcement to apprehend, prosecute, and convict drug traffickers? Would it reduce the amount or stop illicit drugs from coming into the country? In this regard, the evidence is conflicting. While some sources indicate that intelligence is a major contributor to interdicting the flow of drugs into the country, other sources suggest that intelligence really does not contribute substantially to success in the drug war, at least in terms of the way we are fighting it now. The Rand Study, "Sealing the Borders: The Effects of Increased Military Participation in Drug Interdiction" states that "intelligence is of only very slight importance for the interdiction of air smugglers." It seems that the speed with which air smugglers can get into and out of the U.S. precludes any attempt at apprehension even when intelligence suggests that they are conducting drug operations. In fact, evidence suggests that most of the drugs seized by law enforcement are due to what law enforcement officials call "cold hits". In other words, by accident. Despite the information that law enforcement officials have regarding the trafficking of drugs, most of the seizures come from an agent being in the right place at the right time, without any forewarning.<sup>3</sup> There is no evidence to substantiate the success of intelligence support to ground operations as this is not one of the stated missions in the NDAA.

Another suitability consideration focuses on the difference in the objective of military intelligence operations and that of law enforcement. Army intelligence collectors and analysts train to locate the enemy and predict what his next course of action is going to be. Military intelligence analysts train to determine enemy capabilities, intentions, and strengths and weaknesses. Military intelligence supports operational planning, while law enforcement intelligence supports prosecution.<sup>4</sup>

To answer the suitability question, would Army intelligence operations result in more seizures, arrests, and prosecutions, i.e. could law enforcement use the information collected to make seizures, arrests, and prosecutions, one must also consider the rules of evidence necessary to convict a criminal, and which law enforcement agency is involved. For local law enforcement, one critical requirement is that there be probable cause to search, and a court order to perform wiretaps, for example. If the Army were to perform such operations using the random scanning techniques with which they are most familiar, intelligence gathered may not meet the criteria for evidence admissible in a court of law.

Additionally, according to U.S. law, an accused has the right to confront his accuser. If the accuser is an Army intelligence collector who collected the information that lead to an arrest, the "sources and methods" argument

would immediately surface.<sup>5</sup> Undoubtedly, there would also be claims that this type of direct participation would violate both the Posse Comitatus Act and the constitutionally protected rights of Americans to reasonable expectations of privacy.

Another question in determining the suitability of Army intelligence support to the domestic drug war centers on the lawfulness of using Army intelligence assets. If domestic operations include collection of intelligence on U.S. citizens, many intelligence professionals will say the answer is clearly no.<sup>6</sup> This issue is really not as clear as some would have it, however, as evidenced by the ongoing discussion about what constitutes "international narcotics activity."

### Acceptability

Acceptability is the key test when considering the use of Army intelligence as a course of action in the domestic drug war. Acceptability issues center on what will be acceptable to the American people. Evidence suggests that the American people do support an increased role for the military in the drug war.<sup>7</sup> The will of the American

people appears to be in favor of ending the trafficking, and use, of drugs in this country. An important point in the acceptability test, however, is that all of the issues related to intelligence collection and support to law enforcement either directly, or indirectly, concern themselves with collection of information concerning U.S. citizens. Again, this war is not directed only against foreigners. Combatants in this war include U.S. citizens, a factor which distinguishes it from all other wars Army intelligence trains to fight.

One significant issue that must be considered is the inadvertent collection of non-drug related criminal information. If the Army becomes involved in surveillance of Americans in drug-related cases, there is every reason to believe that persons not involved in drug or other criminal behavior will be observed by Army personnel during such surveillance. Criminal behavior not related specifically to drugs will also be observed by Army personnel. This information will be turned over to law enforcement, but may not meet the criteria for subsequent arrest or prosecution.

Whether or not the American people will accept the consequences of such surveillance activity remains unanswered.

It is extremely difficult to conclude what the American people will allow. There are very few indicators to make this assessment. As in most instances, it is

necessary to look to our past to determine what the future might bring. Conclusions can be drawn from previous situations when intelligence agencies, not law enforcement agencies, instituted programs designed to collect domestic intelligence.

During the 1960's the U.S. Army was repeatedly tasked with missions to quell anti-war protests and civil disturbances. Ill prepared to do so, due to a lack of information about who the perpetrators were, Army signals and counterintelligence activities were directed to begin collecting and maintaining information on subversive elements across the country. A general signals surveillance program was initiated by the Army Security Agency (ASA) beginning in 1967. The ASA program was part of a larger government effort directed at anti-war and civil rights movements.<sup>8</sup> The ASA, which is responsible for collection of foreign signals intelligence world wide, began monitoring radio transmissions within the United States. This was an effort to provide law enforcement the information they needed to monitor the activities of those subversive elements within the country that were believed to be problems for law enforcement. It is important to point out at this juncture that these were political surveillance; the targets of these surveillance were, at least in the minds of those who conducted the operations, posing a threat to the stability of the government.<sup>9</sup> For those who would like to



suggest similarities between drug traffickers and political activists, one must remember that drug traffickers are not politically motivated. Domestic drug traffickers do not have the overthrow of the government of the United States as their objective.

The ASA program was in violation of the Federal Communications Act of 1934 which prohibited the interception of "any radio communications."<sup>10</sup> Nevertheless, The Army continued this surveillance and asked for an opinion from the Federal Communication Commission (FCC). They were, after all, performing a "national security mission." After considerable discussion and debate the FCC issued a reply that it could not provide a "positive answer" to the Army. Finally, the Army Judge Advocate General opined that the activity was probably illegal. This ruling kept the ASA from becoming formally involved in the Army's civil disturbance program.

Given all of this discussion, the program was finally terminated in 1970, but not because of any conclusions as to its legality or illegality. The deciding factor was the American people. On December 1, 1970, NBC news reported that ASA was conducting surveillance of American citizens. The Army quit monitoring because of its concern over adverse public reaction.<sup>11</sup>

The counterintelligence program centered on the leaders of student demonstrations. Soldiers were directed to infiltrate radical political groups, and many posts developed a network of "coffeehouse informers."<sup>12</sup>

An effort was made to coordinate the information collected with other federal agencies. Actually most of the information came from media and open sources rather than from informants, but when it became public knowledge that the Army was collecting and keeping information on U.S. citizens the American people were outraged. So great was the pressure, that Secretary of Defense, Melvin Laird ordered the Army to cease and desist.<sup>13</sup>

Despite the fact the drug war is a popular war, and the Vietnam War was not, evidence suggests that Americans value their privacy to such an extent that they might not tolerate the kind of invasion of privacy attempted during the difficult political times of the Vietnam war.

Public reaction to Army intelligence involvement in the domestic drug war will undoubtedly vary depending on the nature of the support. The use of Army intelligence assets to collect, report, and process information which can support law enforcement officials is a very sensitive political, moral, and ethical issue. There exists a real threat to the personal liberties of U.S. citizens. If it is collection against U.S. citizens, the support for this will undoubtedly raise a tremendous reaction. If the

support is less directed at Americans and more directed at foreign drug agents, it will probably be acceptable. If the support provided consists of training and loans of equipment, it will probably also be acceptable.

## ENDNOTES

1. Office of National Drug Control Policy. "Law Enforcement Agency Technical Requirements," Washington, D.C., February 5, 1990.
2. Training Circular (TC) 34-1, Intelligence and Electronic Warfare (IEW) Systems (Washington, D.C.: Department of the Army, November, 1987).
3. "Why a Drug War?", briefing given at USACGSC, 8 March 1989.
4. Ibid.
5. The sources and methods argument has long been cited by intelligence professionals who are concerned about the welfare of their sources. This concern is particularly intense when human sources that have taken years to cultivate, for example, may be compromised.
6. Intelligence officers are particularly sensitive to any operation that hints of involvement of U.S. persons because of their experiences in the past. Numerous discussions with intelligence personnel of a variety of backgrounds, as well as my personal observations lead me to believe that this is the case.
7. Lewis Beale, "Legalization a fix for the drug war?" Chicago Tribune, Sec. 2. p. 5.
8. Athan Theoharis, Spying on Americans: Political Surveillance from Hoover to the Huston Plan, (Philadelphia: Temple University Press, 1978) 120-122.
9. Theoharis, 121.
10. Ibid.
11. Ibid.
12. U.S. Congress, House. Committee on Armed Services. Narcotics Interdiction and the Use of the Military: Issues for Congress, (100th Cong., 2d sess., 1988) Comm Print No. 24, 11.
13. Ibid., 12.

## CHAPTER 6

### FINDINGS AND CONCLUSIONS

This chapter summarizes findings and provides conclusions regarding the role of Army intelligence in the domestic drug war. Recommendations for further study are provided.

#### Findings

1. Law enforcement agencies have not articulated specific requirements for intelligence support Army intelligence units can routinely provide.
2. The laws governing collection of intelligence directed against U.S. citizens limit the type of support Army intelligence can provide to law enforcement agencies.
3. The types of support Army intelligence can currently provide to domestic law enforcement counternarcotics effort are stated in Chapter 18, Title 10 USC, secs. 371-378 and focus on training, equipment loans and advice, rather than operational mission support.

4. There is no evidence to indicate that domestic intelligence collection laws will be changed to allow Army intelligence to participate in domestic collection operations directed against U.S. citizens. While the definition of international narcotics activity may have some bearing on how the laws are interpreted, no evidence suggests that the fundamental concept restricting military intelligence collection against U.S. citizens is going to be changed.

### Conclusions

Careful study of research data currently available suggests that Army intelligence does have a limited role in supporting the domestic war on drugs. That role is defined in regulations, directives, and plans carefully and methodically prepared by persons well informed and knowledgeable of the capabilities, limitations, and applications of military intelligence and mindful of certain philosophical and legal concepts that underlie the democratic values of our government.

There potentially are opportunities yet unexplored for Army intelligence to support law enforcement in the drug war. As such, additional study and thinking must be done before the full gamut of capability can be defined. Furthermore, a study of what Army intelligence might be able

to provide if the current domestic intelligence laws are amended would be a logical extension of this work. So too, would be an investigation of what constitutes or should constitute "international narcotics activity."

Although there are some LEAs who support increased military participation, most field elements recognize that the mission of the Army is defense of the country against traditional armed aggression rather than direct involvement in law enforcement operations.

Although some members of Congress want to expand DoD's role, neither DoD nor law enforcement officials support expanding the military role significantly. These officials believe the traditional separation of civilian and military elements of the government must be maintained.<sup>1</sup>

Former Defense Secretary Weinberger addressed the suggestion of giving our soldiers arrest powers in matters concerning drugs by reaffirming the values on which this country was founded, and he brings out three exceptionally critical points: 1) constitutional tradition argues against the use of military forces to enforce domestic law short of direct threat to the legitimate government, 2) if military forces operate against American citizens, which would occur in supporting the domestic war on drugs effort, then recruitment, retention, morale, and esprit-de-corps will suffer, and finally, 3) military activity cannot be sustained without popular support.

As Mr. Weinberger stated,

Calling for the use of the government's full military resources to put a stop to the drug trade makes for hot and exciting rhetoric. But responding to those calls, as Congress is on the verge of doing, would make for terrible national security policy, poor politics and guaranteed failure in the campaign against drugs.

The very same underlying principles apply whether we are considering giving our soldiers search, seizure and arrest powers, or giving our intelligence professionals authority to collect intelligence on U.S. citizens in support of law enforcement in the domestic war on drugs.

The most problematic question with regard to the issue of Army intelligence support to law enforcement remains centered on the will of the American people. The overriding issue is centered on the will of the American people to suborn themselves to military authority in a fashion they have continuously refused to do over the 214 year history of the country.



1. U.S. Government Accounting Office, Report to Congressional Requestors, Drug Control: Issues Surrounding Increased Use of Military in Drug Control, (Washington, D.C., April 1988), (GAO/NSIAD-88-156), 4.

2. Caspar Weinberger, "Our Troops Shouldn't be Drug Cops", The Washington Post, Sunday, 22 May 1988, C2.

## APPENDIX A

## **DRUG INTELLIGENCE REQUIREMENTS**

### **I. Characterization of drug groups**

#### **A. Membership**

1. Identity
2. Function
3. Biographical data
4. Criminal history
5. Residence and whereabouts
6. Travel habits and patterns

#### **B. Violence**

1. History
2. Propensity

#### **C. Organizational function**

1. Cultivation
2. Processing
3. Transportation/smuggling
4. Domestic distribution

#### **D. Affiliated organizations and networks**

#### **E. Membership requirements**

### **II. Operations**

#### **A. Past and current trafficking activities**

#### **B. Types of drugs**

#### **C. Source of supply**

#### **D. Routes**

- E. Trafficking techniques
- F. Vehicles used or owned (autos, aircraft, boats)
- G. Areas of U.S. supplied
- H. Related criminal activity
- I. Customers
- J. Safe houses

### III. Finances

- A. Financial institutions
- B. Laundering methods
- C. Investments
  - 1. Legitimate business
  - 2. Properties
- D. Method of moving money out of country

### IV. Communications

- A. Equipment
- E. Location
- C. Codes
- D. Operators

### V. Security

- A. Counter-surveillance techniques
- B. Operations security techniques

## **VI. Assessment information**

### **A. Vulnerabilities**

1. Rivalries
2. Dissent
3. Alertness

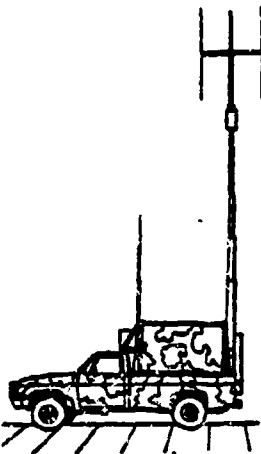

### **B. Potential avenues of penetration**

1. Technical
2. Personnel

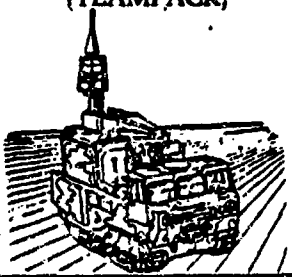
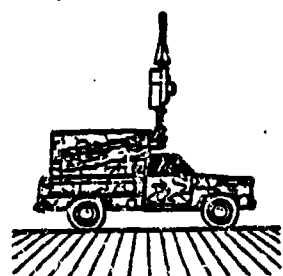
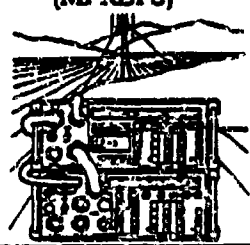
**APPENDIX B**

# Tactical IEW Equipment Capabilities and Quantities

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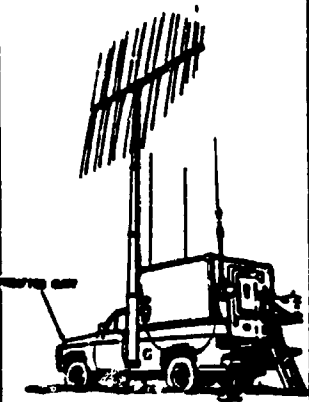
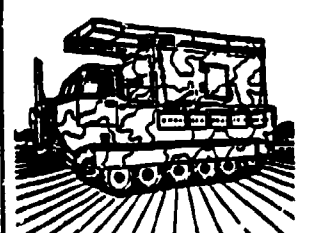
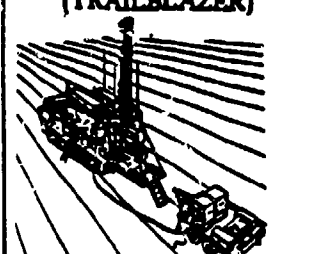
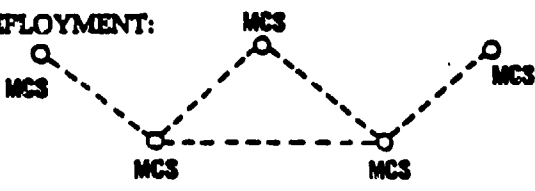
NOMENCLATURE	FUNCTION	PRIME MOVER	UNIT AND QUANTITY
<b>AN/TRQ-32(V)2 Receiving Set (TEAMMATE)</b>  	<b>HF/VHF/UHF Intercept. VHF DF</b>	<b>CUCV</b>	<b>ACR: 2 Systems</b> 1/C&J Plt. MI Co.
			<b>HVY DIV: 3 Systems.</b> 1/C&J Plt. C&J Co, MI Bn.
			<b>LT DIV: 3 Systems.</b> 1/Voice Coll Plt. Coll Co, MI Bn.
			<b>ABN DIV: 3 Systems.</b> 1/C&J Plt. C&J Co, MI Bn.
			<b>AASLT DIV: 3 Systems.</b> 1/C&J Plt. C&J Co, MI Bn.
			<b>MTZ DIV: 4 Systems.</b> 4/C&J Plt. Gen Spt Co, MI Bn.
<b>AN/TRQ-30 Receiving Set</b>  	<b>HF/VHF Intercept. VHF LOB</b>	<b>Man Packed</b>	<b>ACR: 2 Systems.</b> 1/C&J Plt. MI Co.
			<b>HVY DIV: 3 Systems.</b> 1/C&J Plt. C&J Co, MI Bn.
			<b>LT DIV: 9 Systems.</b> 3/Voice Coll Plt. Coll Co, MI Bn.
			<b>ABN DIV: 9 Systems.</b> 3/C&J Plt. C&J Co, MI Bn.
			<b>AASLT DIV: 12 Systems.</b> 4/C&J Plt. C&J Co, MI Bn.
			<b>CORPS: 6 Systems.</b> 3/Voice/Coll Plt. EW Co, MI Bn (TE), MI Bde. And 3/Voice Coll Plt. EW Co (COLL), MI Bn (TE)(RC), MI Bde.

## Tactical IEW Equipment Capabilities and Quantities

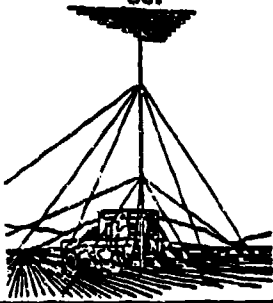


NOMENCLATURE	FUNCTION	PRIME MOVER	UNIT AND QUANTITY
<b>AN/MSQ-103C</b> Special Purpose Receiving Set (TEAMPACK) 	NonComms Intercept and LOB.	M1015	<b>HVY DIV: 3 Systems</b> 3/SIGINT Proc Plt, EW Co, MI Bn
			<b>CORPS: 6 Systems</b> 3/NonComm Intcpt Plt, EW Co, MI Bn (TE), MI Bde. And 3/NonComm Intcpt Plt, EW Co (COLL), MI Bn (TE)(RC), MI Bde
<b>AN/MSQ-103B</b> Special Purpose Receiving Set (TEAMPACK) 	NonComms Intercept and LOB.	CUCV	<b>ABN DIV: 3 Systems.</b> 3/NonComm Intcpt Plt, C&J Co, MI Bn.
			<b>AASLT DIV: 3 Systems.</b> 3/NonComm Intcpt Plt, C&J Co, MI Bn.
			<b>MTZ DIV: 4 Systems.</b> 4/C&J Plt, Gen Spt Co, MI Bn
<b>AN/PRD-10</b> Receiving Set (MPROFS) 	HF/VHF/UHF Intercept VHF DF.	Man Packed	<b>ABN DIV: 3 Systems.</b> 1/C&J Plt, C&J Co, MI Bn.



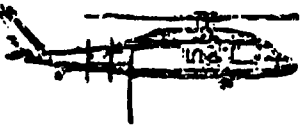

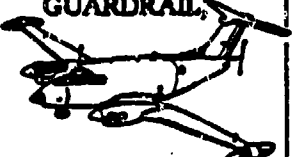

## Tactical IEW Equipment Capabilities and Quantities

NOMENCLATURE	FUNCTION	PRIME MOVER	UNIT AND QUANTITY
<b>AN/TLQ-17A(V)3</b> Countermeasures Set. <b>(TRAFFICJAM)</b> 	<b>HF/VHF</b> Intercept. <b>HF/VHF ECM</b>	<b>CUCV</b>	<b>ACR: 2 Systems</b> 1/C&J Plt, MI Co. <hr/> <b>HVY DIV: 3 Systems.</b> 1/C&J Plt, C&J Co, MI Bn. <hr/> <b>ABN DIV: 4 Systems.</b> 1/C&J Plt, C&J Co, MI Bn. <hr/> <b>AASLT DIV: 3 Systems.</b> 1/C&J Plt, C&J Co, MI Bn. <hr/> <b>MTZ DIV: 13 Systems.</b> 3/HF-VHF ECM Plt, Fwd Spt Co, MI Bn. And 4/C&J Plt, Grn Spt Co, MI Bn. <hr/> <b>CORPS: 3 Systems</b> 3/ECM Plt, EW Co (ECM), MI Bn (TE)(RC), MI Bde.
<b>AN/MLQ-34</b> Countermeasure Set <b>(TACJAM)</b> 	<b>HF/VHF</b> Intercept. <b>VHF ECM.</b>	<b>M1015</b>	<b>HVY DIV: 4 Systems</b> 1/C&J Plt, C&J Co, MI Bn. <hr/> <b>CORPS: 3 Systems.</b> 3/VHF ECM Plt, EW Co, MI Bn (TE), MI Bde. 3/VHF ECM PLT, EW Co, MI BN (TE)(RC) <hr/> <b>ACR: 2 Systems</b> 1/C+T. Plt, MI Co
<b>AN/TSQ-138</b> Special Purpose Detecting Set <b>(TRAILBLAZER)</b> 	<b>HF/VHF/UHF</b> Intercept. <b>VHF DF.</b>	<b>M1015</b>	<b>HVY DIV: 1 System. (5 Vehicles).</b> 1/SIGINT Proc Plt, EW Co, MI Bn.  <b>DEPLOYMENT:</b> 

# Tactical IEW Equipment Capabilities and Quantities

NOMENCLATURE	FUNCTION	PRIME MOVER	UNIT AND QUANTITY
<b>AN/GLQ-3B</b> Countermeasures Set 	<b>HF/VHF</b> Intercept HF/VHF ECM.	<b>CUCV</b>	<b>ACR: 2 Systems</b> 1/C&J Plt, MI Co.
			<b>CORPS: 6 Systems.</b> 2/ECM Plt, EW Co (ECM), MI Bn (TE/RC), MI Bde.
<b>AN/PPS-5B</b> Radar Set 	<b>Moving Target</b> Indicators Range: 6Km-Pers 10Km-Veh	<b>Vehicle</b>	<b>ACR: 9 Systems.</b> 3/GSR Squad, Survl Plt, MI Co.
			<b>HVY DIV: 12 Systems.</b> 4/GSR Squad, Survl Plt, I&S Co, MI Bn.
			<b>ABN DIV: 3 Systems.</b> 1/GSR Squad, Survl Plt, I&S Co, MI Bn.
			<b>ASSLT DIV: 3 Systems.</b> 1/GSR Squad, Survl Plt, I&S Co, MI Bn.
<b>AN/PPS-15A(V)1</b> Radar Set 	<b>Moving Target</b> Indicators. Range: 1.5 Km-Pers 3Km-Veh	<b>Man</b> Packed	<b>LT DIV: 12 Systems.</b> 3/GSR Squad, Survl Plt, I&S Co, MI Bn.
			<b>ABN DIV: 9 Systems.</b> 3/GSR Squad, Survl Plt, I&S Co, MI Bn.
			<b>AASLT DIV: 9 Systems.</b> 3/GSR Squad, Survl Plt, I&S Co, MI Bn.

# **Tactical IEW Equipment Capabilities and Quantities**

NOMENCLATURE	FUNCTION	PRIME MOVER	UNIT AND QUANTITY
AN/ALQ-151(V)1 Special Purpose Countermeasures System (QUICKFIX IIA)  AN/ALQ-151(V)2 (QUICKFIX IIB)  	HF/VHF Intercept. HF/VHF ECM. VHF DF.	EH-1X (Huey)   EH-60 (Blackhawk)	ACR: 3 Systems. 3/CEWI Flt Plt, CBT AVN Squadron.
			HVV DIV: 3 Systems. 3/CEWI Flt Plt, Avn Bde.
			LT DIV: 3 Systems. 3/CEWI Flt Plt, Avn Bde.
			ABN DIV: 3 Systems. 3/CEWI Flt Plt, CBT AVN Squadron
			AASLT DIV: 3 Systems. 3/CEWI Flt Plt, HHOC, MI Bn.
AN/APS-94F Radar Surveillance Set (MOHAWK)  	Moving Target Indicators on Radar Maps (SLAR) or PHOTO.	OV-1D	CORPS: 10 Systems. 5/Flt Sec, Flt Plt, Avn (AS) Co, MI Bn (AE), MI Bde.
AN/USD-9 Special Purpose Detecting System (GUARDRAIL V) (IMPROVED GUARDRAIL)  	HF/VHF/UHF Intercept. VHF DF.	RU-21H RC-12	CORPS: 6 Systems. 6/COMINT Arcft Sec, Flt Plt, Avn (EW) Co, MI Bn (AE), MI Bde.
AN/ALQ-133 Noncommunications Identification and Collection System (QUICKLOOK II)  	NonComm Intercept and DF.	RV-1D	CORPS: 6 Systems. 6/NonComm Arcft Sec, Flt Plt, Avn (EW) Co, MI Bn (AE), MI Bde.

**APPENDIX C**



DEPARTMENT OF THE ARMY  
WASHINGTON, D.C. 20310

17 April 1990



MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Counternarcotics Plan

Illicit drugs are a significant threat to U.S. national security and to the values and institutions we cherish. The President and the Secretary of Defense have made countering illegal drug production, trafficking, and use a high priority mission for the Department of Defense and the Department of the Army.

The Army will execute this mission with the same dedication, skill, and professionalism that we apply to all of our national security missions. Total Army personnel and units will participate or assist in every facet of the national program. The Army will provide forces to Unified Commanders and will assist in developing and executing the military plans that employ these assets. In addition, the Army will provide support, from the full spectrum of its capabilities, to a wide range of civilian law enforcement agencies, other U.S. Government agencies, and cooperating foreign governments. All domestic and international activities undertaken by the Army will be consistent with statutory limitations.

The attached Army Counternarcotics Plan articulates a clear statement of intent and provides the Major Subordinate Commanders and the Department of the Army Staffs with the broad guidance required to develop courses of action and respond to requirements. This guidance will be modified as national strategy and Department of Defense policy continue to evolve.

Carl E. Vuono  
General, United States Army  
Chief of Staff

M. P. W. Stone  
Secretary of the Army

**SUBJECT: Army Counternarcotics Plan**

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US ARMY JAPAN

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US ARMY SOUTHERN COMMAND

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	HQDA (SAUS)

## **ARMY COUNTERNARCOTICS PLAN (MEMORANDUM OF INSTRUCTION)**

**I. GENERAL.** The Army will actively participate in counternarcotics operations as an integral part of the Department of Defense (DoD) execution of the evolving national drug strategy. This Memorandum of Instruction links Army counternarcotics activities to existing Army processes and doctrinal concepts. It articulates the broad intent of the Army leadership, establishes the normal boundaries for providing support, and serves to guide the formulation and execution of courses of action by the Department of the Army Staffs and Major Subordinate Commands (MACOMs).

Priorities assigned to counternarcotics missions will increase as will requirements for Army resources and forces. Counternarcotics activities may affect unit readiness. Commanders must take prudent actions to minimize negative effects.

**II. MISSION.** The Secretary of Defense has stated that detecting, monitoring, and countering the production, trafficking, and use of illegal drugs is a high priority mission of DoD. The Army's primary role in counternarcotics operations is to support the DoD mission as the Federal Government's single lead agency for detection and monitoring of aerial and maritime transit of illegal drugs into the U.S. The Army will be prepared to: (1) provide forces to combatant commanders and to assist them in developing and executing plans to effectively employ the unique capabilities of Army forces, and (2) provide operational support, equipment training, and personnel to other U.S. Government Agencies, and through security assistance to selected foreign governments to counter drug production, trafficking, and use. Specified and implied tasks for Army forces are derived from this primary mission. The Army will act unilaterally in counternarcotics operations only in drug abuse prevention and treatment, and in law enforcement or security matters on Army installations. Since the national counternarcotics policy and strategy are still evolving, other specified and implied tasks may emerge.

**III. TYPES OF ARMY SUPPORT.** Army support will fall into one of two broad categories: (1) providing assets to be used by non-DoD agencies and selected foreign governments, and (2) providing forces and/or equipment to CINCs for support, training, and limited operational commitments. Army support will be further categorized by those actions executed by Army forces under Federal control, and those executed by Army National Guard forces operating under State control.

National Guard forces will normally conduct counternarcotics operations under State control. However, the National Guard can conduct counternarcotics operations in a Federal status (Title 10, U.S. Code). The National Guard will provide personnel and/or equipment to Drug Law Enforcement Agencies (DLEAs) in accordance with their respective State National Guard counternarcotics plans. State counternarcotics plans will be approved by The DoD Coordinator for Drug Enforcement Policy and Support prior to execution. All National Guard operational support to counternarcotics operations will be coordinated by the Chief, National Guard Bureau.

#### **IV. PROVIDING ASSETS.**

**A. CONCEPT OF OPERATION.** Counternarcotics support is a high priority mission. Wherever possible, Army support will be packaged to provide a complete stand-alone capability. A mission analysis will be conducted to determine if the capability offered or requested actually provides the complete capability required. The tasked unit or activity will be prepared to provide personnel, equipment, advice, assistance, and product necessary to execute the intended function. Army personnel may be required to conduct activities related to the provision of assets (supply transfer, transition training, institutional training, or research and development). In such cases, Army administrative procedures and regulations will apply.

Long term support arrangements (longer than 60 days) should generally be avoided. If it is necessary for small teams of personnel to operate in support of DLEAs in activities involving equipment transfers, such support will be considered as transitional until DLEA personnel can be trained to perform the tasks.



The Army has a substantial ability to provide tactical intelligence, analytical support, and production support, and will do so in coordination with designated DoD and U.S. Government agencies.

The Army also has a substantial research, development, and acquisition capability which far exceeds all of the DLEAs' combined capability. The Army will apply these resources as appropriate to assist in resolving critical technical requirements of the DLEAs. Near term support will consist of technical aid in identifying "off the shelf" technology or non-developmental items/systems that may provide solutions to existing requirements. Over the mid- to long-term, the Army intends to integrate the counternarcotics requirements into the established Army process where: operational requirements can be better defined, validated, and prioritized; scientific and engineering solutions to these requirements can be developed, screened, and pursued; and systems can be tested, procured, and logistically supported.

Support to cooperating foreign governments will be provided through the appropriate CINC, in accordance with procedures consistent with the Foreign Assistance Act, the Arms Export Control Act, the International Narcotics Control Act of 1989, or other applicable legislation. The same priority and procedures apply.

**B. IMPLEMENTING GUIDANCE.** Current missions and tasks are listed below. When tasked for support that requires both personnel and equipment, requirements will be filled by unit taskings down to the team level when feasible. Guidance by functional area may be found at the appropriate TAB. This guidance will apply to any future additions to missions and tasks.

(1) Provide equipment, supplies, repair parts, and facilities to federal, state, local, and foreign law enforcement officials, or to selected foreign nations, to execute counternarcotics activities (TAB 1 and TAB 4).

(2) Provide personnel to operate and maintain equipment made available to civilian law enforcement officials. Clear guidance will be issued regarding restrictions that apply to the operation of equipment made available to civilian law enforcement officials. In particular, DoD personnel may not, through the operation of such equipment, directly

participate in law enforcement activities of domestic civilian law enforcement agencies (TAB 2 and TAB 3).

(3) Provide personnel to train law enforcement officials, and provide training for DLEA and selected host nation personnel in training base facilities (TAB 2 and TAB 3).

(4) Provide personnel to advise law enforcement officials in utilizing military resources (TAB 2).

(5) Determine program and budget requirements to provide resources, and to replace resources as necessary (TAB 3).

(6) Develop process to assess readiness status (TAB 4).

(7) Provide tactical intelligence in coordination with the Defense Intelligence Agency and designated DoD and U.S. Government agencies. Develop innovative intelligence methods and techniques for counternarcotics collection, analysis, and production. Through the Modernization Master Plan process, develop an architecture for mid- to long-range intelligence requirements using a low intensity conflict construct (TAB 8).

(8) Focus Army research, development, and acquisition (RDA) resources to provide technology support and solutions to DLEAs.

## **V. PROVIDING FORCES**

**A. CONCEPT OF OPERATION.** The Army recruits, organizes, trains, and equips forces for employment by the commanders of the Unified and Specified Commands. Employment of Army forces provided to the combatant commanders in support of approved counternarcotics strategies and OPLANs should be consistent with existing Army doctrine. Further, forces will always be under direct military command. These units or individuals may face an armed adversary and should be prepared for actions related to combat, even when conducting training, deterrent, surveillance or other non-combat operations. U.S. Army doctrine drives the structuring, equipping, training, tactical intelligence support, and operations of these units (e.g., FM 100-5, FM 100-20, FM 25-100 and FM

While executing assigned missions, Army forces operating under Title 10, U.S. Code will be in support of law enforcement operations. This support will consist of training, reconnaissance, command and control support, planning, and logistics, and will be conducted within existing legal constraints.

**B. IMPLEMENTING GUIDANCE.** Current missions and tasks are listed below. Guidance by functional area is at the appropriate TAB. The general guidance contained here is applicable to any additional missions and tasks.

(1) Provide Army forces to CINCs for execution of approved OPLANS (TAB 5).

(2) Provide mobile training teams (MTTs) to train law enforcement personnel (TAB 6).

(3) Provide MTTs to advise law enforcement personnel in the utilization of military resources (TAB 6).

(4) Provide operational support and military security assistance to foreign countries with priority to the Andean region. Assess host nation government security assistance requests to determine validity and ability to use resources (TABs 1 and 6).

(5) Provide support structures for allocated Army forces, including facilities for reception of units and equipment and selected supply activities for deployed forces (TAB 1).

(6) Determine program and budget requirements to provide forces and resources, and to replace resources as necessary (TAB 3).

(7) Develop measures to minimize readiness impacts. Guidance prescribed by the Secretary of Defense permits degradation of the readiness status of units providing support to counternarcotics activities (TAB 4).

(8) Provide applicable lessons learned, through after action

reports, to Center for Army Lessons Learned (CALL) for collection, analysis, and dissemination to the Army, and to the Defense Logistics Studies Information Exchange.

(9) Develop appropriate Rules of Engagement (ROE) and Rules on the Use of Force (RUF) for Army forces (TAB 7).

(10) Provide tactical intelligence support for production and analysis, linguist assistance, and classified lessons learned through Army Intelligence G2 Notes, in coordination with CALL (TAB 8).

(11) Construct Operations Security (OPSEC) plans for all assigned counternarcotics operations (TAB 9).

**TAB 1 -- Provide equipment, supplies, repair parts, and facilities to federal, state, and local law enforcement officials, or to selected host nations, to execute surveillance, monitoring, and interdiction actions.**

**1. PERSONNEL.** Current Army personnel policies apply.

**2. EQUIPMENT, SUPPLIES, AND ASSOCIATED REPAIR PARTS.**

a. Unit tasking will be in accordance with the force planning guidance in TAB 5.

b. If tasking is long term (more than 60 days) or permanent and not suitable for fill by complete capability criteria, priority will be depot stocks, War Reserve Stocks, OPS projects, then units in accordance with priorities in TAB 5.

c. Sensitive equipment will remain under the control of appropriate Army personnel supporting another agency when:

(1) The loss of the system would place the parent unit at a lower readiness status, or, as quantified by TRADOC, markedly degrade instructional capabilities.

(2) The gaining agency does not have the personnel or facilities with appropriate security clearances.

d. Procedures under AR 500-51, Military Support Program, and AR 700-131, Temporary Loan of Army Equipment, which prohibit loans of items available commercially, apply.

**3. PROCEDURES AND RESPONSIBILITIES.**

a. All DoD operational support (except for National Guard in a state/Title 32 status) to counternarcotics land operations in CONUS will be coordinated by CINCFOR. Operational support is defined as units of any size, or personnel and their associated equipment with appropriate transportation, provided to law enforcement agencies in support of counternarcotics operations. Operational support excludes DLEA requests for loan of DoD equipment, facilities, or for training at formal schools.

b. Initially, all DLEA requests for operational support will be forwarded to the Joint Staff for review, and OSD for approval. When approval authority is delegated by the Secretary of Defense, operational support requests can be approved by the appropriate CINC from assigned forces. HQDA (DAMO-ODD) and CG, FORSCOM will be informed by the Army Component Commander of all such actions prior to execution if practical, or as expeditiously as possible if the requirement is time sensitive.

c. No U.S. Army unit or activity will accept a direct request for counternarcotics support from a civilian law enforcement agency. Requests by CONUS law enforcement agencies for equipment (not in a unit configuration), facilities, and training from the training base will be processed by the appropriate Regional Logistics Support Office, in coordination with CINCFOR, in accordance with current DoD policy and Service regulations.

d. The Director of Operations, Readiness, and Mobilization, in coordination with ASA (IL&E), will administer all such actions noted in paragraph 3c for the Department of the Army and task in accordance with the priorities listed under Equipment, paragraph 2b. CINCFOR will be coordinated with for all actions regarding Army support in CONUS.

e. Support provided to foreign countries will be administered in accordance with current procedures for provision of defense materiel and services to foreign countries, principally the Foreign Assistance and Arms Export Control Acts.

f. Loan/lease agreements for equipment will be executed in accordance with provisions in AR 700-131, Temporary Loan Procedures for U.S. Army Equipment.

**TAB 2 -- Provide personnel to operate and maintain equipment made available to civilian law enforcement officials. Provide personnel to train law enforcement officials. Provide personnel to advise law enforcement officials in using military resources.**

**1. PERSONNEL.** Personnel procedures will be keyed to the method of employment. Units will manage short term taskings as TDY. Positions that require long term stability or fill (for example, permanent liaison requirements between USFORSCOM and DLEAs) will be identified and consideration will be given to creating TDA positions within existing personnel authorizations.

**2. TRAINING.**

**a. General.** The principles in FM 25-100 will be used to execute near-term requirements. In cases where mission requirements are unrelated to wartime missions, commanders will employ the "battle focus" concept to minimize degradation of readiness caused by counternarcotics operations. Current legislation requires reimbursement for support to DLEAs unless provided in the normal course of military training and operations, or if the benefit derived from Army personnel during support of DLEAs is equivalent to that received from normal training and operations. Planners and programmers must take this requirement for reimbursement into consideration when planning for or providing support.

**b. Training in units.** The impact of counternarcotics taskings on selected units for small teams or individuals may require those units to work aggressively to ensure that near-term and short-range planning cycles are not impacted. Long-range planning should be adjusted to accommodate evolving requirements. Units will develop Mission Essential Tasks for newly directed counternarcotics operations and meld them into Mission Essential Task Lists (METLs) and collective training plans.

**c. Training base.** Define the training courses that must be developed or expanded and the numbers of students--military and non-

military--that must be trained based on Department of the Army guidance, CINC assessments, and TRADOC front end analyses. TRADOC will review training to ensure training objectives are developed.

d. **Training Support.** Units will coordinate with counterpart agencies to determine which current simulations can be used or modified to assist in training the Army and supported agencies in counternarcotics requirements. Provide recommendations to TRADOC.

e. **Training Facilities.** Determine requirements to support expanded training requirements.

f. **Command and Control.** Personnel will remain under the immediate command of their parent military unit.

3. **ADMINISTRATION.** Parent unit remains responsible for finance, legal, and personnel actions.

#### 4. **PROCEDURES AND RESPONSIBILITIES.**

a. Guidance on procedures and responsibilities regarding provision of training, equipment, and other support to civilian law enforcement agencies is contained in AR 500-51, Military Support Program, and the materials cited therein. In particular, AR 500-51 specifies the limits on support that may be provided and contains guidance on determining reimbursement for assistance rendered.

b. To ensure Army forces remain under the control of military commanders while engaged in assistance operations, HQDA will formulate a model Memorandum of Understanding (MOU) specifying limits on activities by Army personnel in support of civilian law enforcement agencies.

c. Requests for personnel not in a unit configuration by CONUS LEAs will be processed IAW TAB 1, Procedures and Responsibilities, paragraph 3b, p. 8.



d. LEA requests for training through TRADOC schools will be approved through HQDA, and requests will be processed IAW TAB 1, Procedures and Responsibilities paragraphs 3c, d, p. 8.

**TAB 3 - Determine program and budget requirements to provide resources. Determine requirements to replace resources as necessary.**

**1. FUNDING.**

**a. The 9 February Memorandum by the DoD Coordinator for Drug Enforcement Policy and Support (Drug Coordinator) outlines programming and budgeting guidance:**

**(1) "The Department's Counternarcotics Program is still in the embryonic stage and subject to exceptionally close Congressional scrutiny and involvement. As such, the Program must be flexible and dynamic enough to support the evolving National Drug Control Strategy and Secretary Cheney's priorities. Accordingly, the Program will be centrally managed in a single budget line and administered from a separate transfer account."**

**(2) "Program Budget Decisions 678 and 678c provide fiscal guidance for FY 90-91 and preliminary outyear (FY 92-94) funding estimate based upon existing counternarcotics projects."**

**b. Funding for approved DoD counternarcotics activities is provided by the OSD-managed Central Fund. Only those projects approved by the Secretary of Defense may be executed. Funding for these projects may be limited to the amount specified in the DoD Drug Interdiction Program. Exceptions must be approved by the Drug Coordinator.**

**c. Guidance on procedures and responsibilities regarding the provision of training, equipment, and other support to civilian DLEAs, and other Government agencies, is contained in AR 500-51, Military Support Program, and the materials cited therein. In particular, AR 500-51 specifies the limits of support that may be provided. Further, guidance is provided for determining reimbursement for assistance rendered.**

**2. PROGRAMMING. MACOMs have identified, as far as possible, those**

predictable long lead time administrative and managerial actions necessary to execute actual and anticipated counternarcotics requirements identified by OSD. These requirements are documented in the FY 92-97 DoD Counternarcotics Program Objective Memorandum (POM).

**3. PROCEDURES AND RESPONSIBILITIES.** (See TAB 2, paragraph 2a and 4a for additional guidance).

**TAB 4 – Develop process to assess readiness status of affected units, to include TDA organizations.**

**1. ADMINISTRATION.** Current readiness reporting procedures apply. For RC equipment readiness, use LOGSTAT Report generated by using agency, collected by nearest AMSA, and submitted to FORSCOM.

**2. PERSONNEL, EQUIPMENT, AND TRAINING.** Personnel, equipment, and training readiness degradation attributed to counternarcotics taskings or operations will be identified on Unit Status Reports. Specific readiness impacts will be noted in commander's comments.

**TAB 5 -- Provide Army units to CINCs to execute approved OPLANS.**

**1. FORCE GUIDANCE.** Units available to CINCs for counternarcotics operational planning will be provided through the inclusion of these forces in Volume II (Strategic Employment of Army Forces) of the Army Mobilization and Operational Planning System (AMOPS). This will be accomplished by the addition of new planning guidance in AMOPS Vol II that will identify major combat, combat support (CS), and combat service support (CSS) units available to each CINC for counternarcotics activities. This approach is consistent with the manner in which the Army provides units for global and regional conflict, and has the additional advantages of ensuring:

a. Visibility and attention for counternarcotics forces and operations at the highest levels. Permits comprehensive assessments of requirements for force structure changes to ensure any tradeoffs within the programmed force structure in the near term would have correct mission basis, and also permits requirements for subsequent years to be accommodated in the Total Army Analysis (TAA) process.

b. A flexible contingency force is retained and available to the National Command Authorities (NCA) for regional conflict or contingency operations (including subsequent escalation in counternarcotics activities).

c. Conflicting requirements for Army forces (e.g., global/regional apportionments, dual-based forces, and M+10 essential force units) are fully addressed.

d. A single Army focus for providing major Army units to the CINCs.

**2. PERSONNEL.** Current Army personnel policies and procedures apply. Adjustments to personnel policies and procedures will be considered by HQDA to support counternarcotics operations as required. MACOMS will provide support to CINCs and non-DOD Agencies from existing resources.

**3. EQUIPMENT.** Current equipment policies and regulations apply. Consideration will be given to the impact on fielding and modernization plans when tasking units. Impacts on contract costs as well as follow-on fielding schedules will be a component of the review. When possible, unit taskings will be coordinated with the force management managers of the MACOM concerned, HQDA, and the office of the project manager affected. Required Operational Capabilities will be developed for equipment required but not currently in the Army inventory.

**4. TRAINING.**

**a. General.** Training management and training execution for counternarcotics operations are no different than training for other mission essential tasks. Training doctrine and the principles in FM 25-100 will govern both. Units will make near- to short-term adjustments in their training programs to prepare for the execution of assigned counternarcotics missions. For the mid- to long-term, training plans must be adjusted as appropriate.

**b. Training in Units.** Many tasks for which the Active and Reserve Component units train to meet their wartime mission requirements have direct applicability to the counternarcotics operations. In cases where requirements for counternarcotics operations are unrelated to wartime mission requirements, commanders must employ the "battle focus" concept to cope with the impact such requirements will have on other high priority training needs. Commanders must develop new Mission Essential Tasks and meld them into METLs and collective training where appropriate. Units will formulate plans to conduct unit training in high intensity drug trafficking areas when directed by CINCFOR (CG, FORSCOM). Plans will include training that can be integrated with Drug Law Enforcement Agency operations.

**c. Major training rotations.** Commanders should avoid tasking units for counternarcotics operations if that tasking would interfere with a currently planned deployment to NTC or JRTC. Short notice cancellation of scheduled units may result in non-utilization or under-utilization of a critical and expensive resource. Such changes

would particularly affect Roundout RC units.

d. Joint and combined exercises. Joint and combined exercises, outside of CONUS, normally will involve political and military agreements with other countries and involve long lead times for planning. Such exercises have high training, readiness, and budget costs. Cancelling such exercises to employ Army units on counternarcotics operations should be avoided if possible. Where appropriate, counternarcotics objectives should be included in the exercises.

e. Training base. MACOM commanders tasked to provide support to CINCs and non-DOD agencies will identify the types of training courses that may need to be developed or expanded. Counternarcotics operations may present a challenge for leaders, soldiers, and civilian personnel because of the established behavior of narco-traffickers and the resources at their command. To guard against this, TRADOC will review school Programs of Instruction to ensure adequate ethical and moral instruction is provided. TRADOC will also develop a training plan for use by units during individual and unit training.

5. DOCTRINE. Counternarcotics operations by Army units will be considered to be military operations regardless of the size or type of Army unit involved. Current Army doctrine in FM 100-5, draft FM 100-20, FM 25-100, and other applicable doctrinal publications will apply. Commanders will recommend changes as required.

6. COMMAND AND CONTROL. Army forces will conduct counternarcotics operations under the command of a US CINC, whether inside or outside of the continental U.S. Army personnel will remain under the direct command of the appropriate Army or Joint Service commander. In the case of units supporting a civilian agency, a properly executed MOU or other agreement will specify the responsibility and authority of both Army commanders and the civilian agency personnel in a supervisory position over Army forces.

## **7. LEGAL/RULES OF ENGAGEMENT (ROE).**

**a. Army forces will conduct all counternarcotics operations in compliance with applicable domestic and international law. In particular, operations in foreign countries will comply with pertinent provisions of the Foreign Assistance Act and the Arms Export Control Act.**

**b. Army forces will conduct operations in accordance with ROE or Rules on the Use of Force (RUF) established by CINCs or other appropriate commanders. ROE and RUF should ensure that the right of Army personnel to exercise force in self-defense, or in defense of others, is not unduly limited (TAB 7).**

**c. Individual operations should be reviewed by the appropriate command or staff judge advocate, and the senior Army commander will receive guidance governing the involvement of U.S. Army personnel.**



**TAB 6 -- Provide Mobile Training Teams (MTTs) to law enforcement personnel. Provide MTTs to conduct training and operational support activities for selected host nation personnel, with priority to the Andean region.**

**1. MTTs.** Training teams will be provided through a CINC and should be provided for the minimum time needed to accomplish the assigned mission. Requests for OCONUS training teams in support of International Narcotics Matters, that have been funded by the State Department, will be requested by the country SAO using the procedures outlined in Chapter 13, AR 12-15. Commander, Security Assistance Training Field Activity (SATFA) will then establish an Foreign Military case to maintain accountability for teams deployed.

**2. PERSONNEL AND EQUIPMENT.** Personnel will be provided by unit tasking if possible and should constitute a complete package. Personnel that cannot be provided by the tasked unit will be obtained from other units IAW the guidance for providing forces outlined in TAB 5. Equipment support will be provided by the tasked unit IAW procedures outlined in the tasking document. In the event that requirements cannot be met, equipment will be provided IAW guidance prescribed by HQDA. Priority for tasking additional equipment will be: depot stocks, WRS, OPS projects, and other units (IAW priorities established in TAB 1).

**3. FORCE STRUCTURE.** If requirements are identified as permanent, tasked MACOM commander will create, document, and fill TDA units to provide required support. Personnel spaces will come from within the tasked MACOM's assets.

**4. COMMAND AND CONTROL.** IAW AR 12-15, OCONUS training teams will be placed under the operational and administrative control of the country Security Assistance Organization Chief (SAO). Chiefs of SAOs will be placed under the military command of the Unified Commander (para 2-8). However, they will also remain under the supervision of the Chief of the U.S. Diplomatic Mission in coordinating counternarcotics activities in country. Training teams in CONUS will remain under the operational and administrative control of their parent unit, except as specified in a properly executed MOU.

**5. SUSTAINMENT.** Parent unit is responsible for sustainment and support of training teams in CONUS. Army Component Commanders are responsible for sustainment and support of OCONUS training teams deployed in assigned CINC AORs.

**6. INSTRUCTION.** MTTs will provide Army approved doctrinal and technical instruction. OCONUS instruction will be prepared and presented in the host country language, as appropriate. TRADOC will conduct a front end analysis of training requirements and develop standard training objectives.

**TAB 7 -- Develop appropriate Rules of Engagement (ROE) and Rules on the Use of Force (RUF).**

- 1. PEACETIME RULES OF ENGAGEMENT.** Army forces and personnel will conduct counternarcotics operations and activities in accordance with Peacetime ROE and RUF as directed by supported CINCs.
- 2. SELF-DEFENSE.** A key Army concern is the protection of soldiers.
  - a.** The uncertainties associated with counternarcotics training missions, and the statutory restrictions on operational support, require careful evaluation of ROE to ensure that ROE furthers, not hinders, the mission and simultaneously provides for the protection of soldiers.
  - b.** Army commanders should ensure that ROE and RUF do not unduly limit the right of Army personnel to exercise force in self-defense. Further, commanders will ensure that all Army personnel are thoroughly familiar with ROE and RUF to preclude the mission being hindered by uncertainty about permissible actions and responses.

**TAB 8 -- Provide Intelligence Support for Counternarcotics Operations**

- 1. GENERAL.** Provide tactical intelligence in coordination with the Defense Intelligence Agency and designated DoD and U.S. Government agencies. Through the Modernization Master Plan process, develop an architecture for mid- to long-range intelligence requirements using a low intensity conflict construct.
- 2. RESPONSIBILITIES.** Intelligence in support of counternarcotics operations will comply with AR 381-10 (Intelligence Activities).
- 3. FOCUS.** Army intelligence support will concentrate on tactical support to Army forces. In providing unique Army expertise and capabilities in support of CINC initiatives in host nations, the doctrinal basis for intelligence will be low intensity conflict and associated intelligence models.

## **TAB 9 -- Maintain Operations Security (OPSEC).**

### **1. GENERAL**

**a. OPSEC is concerned with achieving essential security in military operations and activities by protecting U.S. capabilities and intentions from intelligence exploitation by adversaries.**

**b. Commanders of Army forces have responsibility to plan and implement OPSEC for counternarcotics operations. Commanders will employ OPSEC to complement other security programs, maintain essential secrecy and surprise, and avoid harm to Army personnel, equipment, and facilities.**

**c. All Army personnel will maintain the highest sense of OPSEC awareness at all times, and will protect sensitive DoD and unit information from unauthorized disclosure.**

### **2. OPSEC PLANNING GUIDANCE.**

**a. The following categories of critical information must be protected from adversary exploitation. (Critical information is defined as specific facts about friendly intentions, capabilities, and activities vitally needed by adversaries for them to plan and act effectively to guarantee failure or unacceptable consequence for friendly mission accomplishment.)**

**(1) Any clear text communications on counternarcotics operations.**

**(2) Details of counternarcotics operations (dates, times, locations, concept of operations, etc.).**

**(3) Organizations identified for counternarcotics operations.**

**(4) Capabilities of Army organizations to support and conduct counternarcotics operations.**

**(5) Army systems and procedures for command, control,**

communications, and intelligence support of counternarcotics operations.

(6) Capabilities, limitations, and vulnerabilities of Army equipment and systems supporting counternarcotics operations.

b. Commanders will develop Essential Elements of Friendly Information (EEFI) for the above categories of critical information. (EEFI are key questions likely to be asked by adversary officials and intelligence systems about specific friendly intentions, capabilities, and operations so they can plan and act effectively to counter friendly operations.)

c. Commanders of Army forces supporting the combatant commands will comply with the OPSEC planning requirements of Annex L to JCS Pub 5-02.2, Joint Operation Planning System, Volume II, OPLAN Formats and Guidance.

d. Guidance on the OPSEC planning process is outlined in Chapter 3 to AR 530-1 (Operations Security, 15 Oct 85).

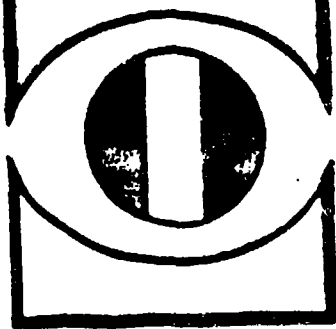
**APPENDIX D**

## WHY A DRUG WAR?



- ISSUE OF NATIONAL SOVEREIGNTY
- SCOPE OF PROBLEM
- DIFFERENT FROM PROHIBITION
- NEED TO CHANGE ATTITUDES
- THE RIGHT THING TO DO





## ILLEGAL DRUG SALES



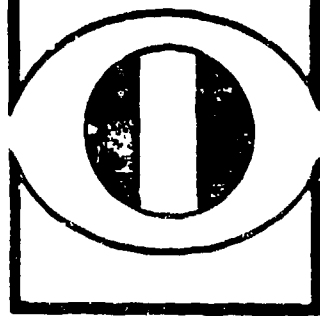
GLOBAL

300 BILLION PER YEAR

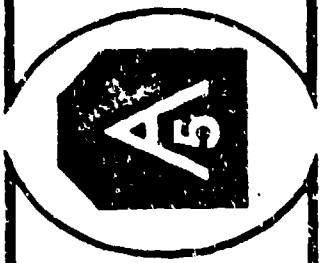
U. S. SHARE

110 BILLION PER YEAR

02/11/14 14:00m



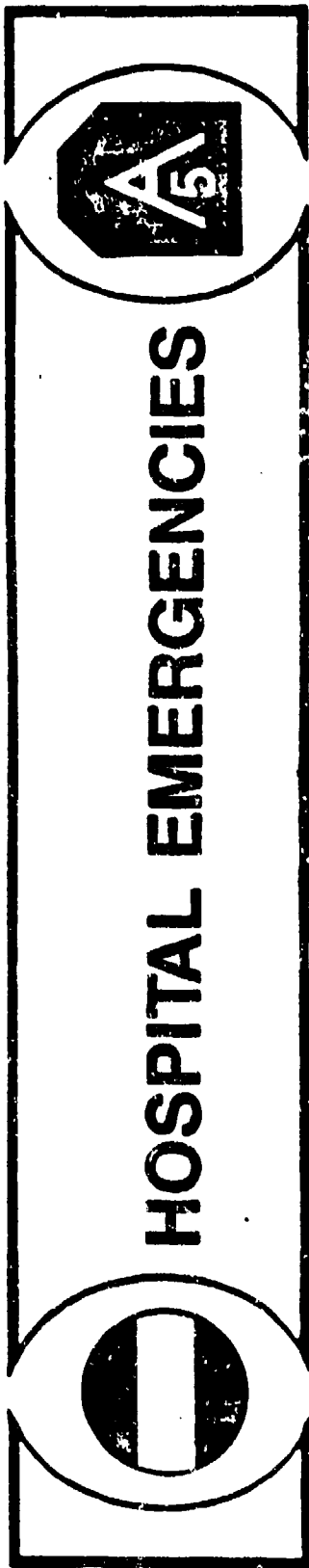
## ECONOMICS OF COCAINE



### PRICE PER KILOGRAM

PERU	COCA LEAVES	\$ 750
COLUMBIA	COCAINE	\$ 4500
U.S. (WHOLESALE)	COCAINE	\$ 16,500
U.S. (RETAIL)	COCAINE	\$ 85,000

00785494000000



**INCREASED OVER PAST THREE YEARS**

<b>HEROIN</b>	<b>+ 26%</b>
<b>MARIJUANA</b>	<b>+ 115%</b>
<b>COCAINE</b>	<b>+ 309%</b>

0258PACmwe



AMERICANS WILL BE ARRESTED FOR  
DRUG-RELATED CRIME

2,000

AMERICANS WILL TRY COCAINE FOR  
THE FIRST TIME

22,000

AMERICANS ARE REGULAR HEROIN  
USERS

500,000

AMERICANS ARE REGULAR COCAINE  
USERS

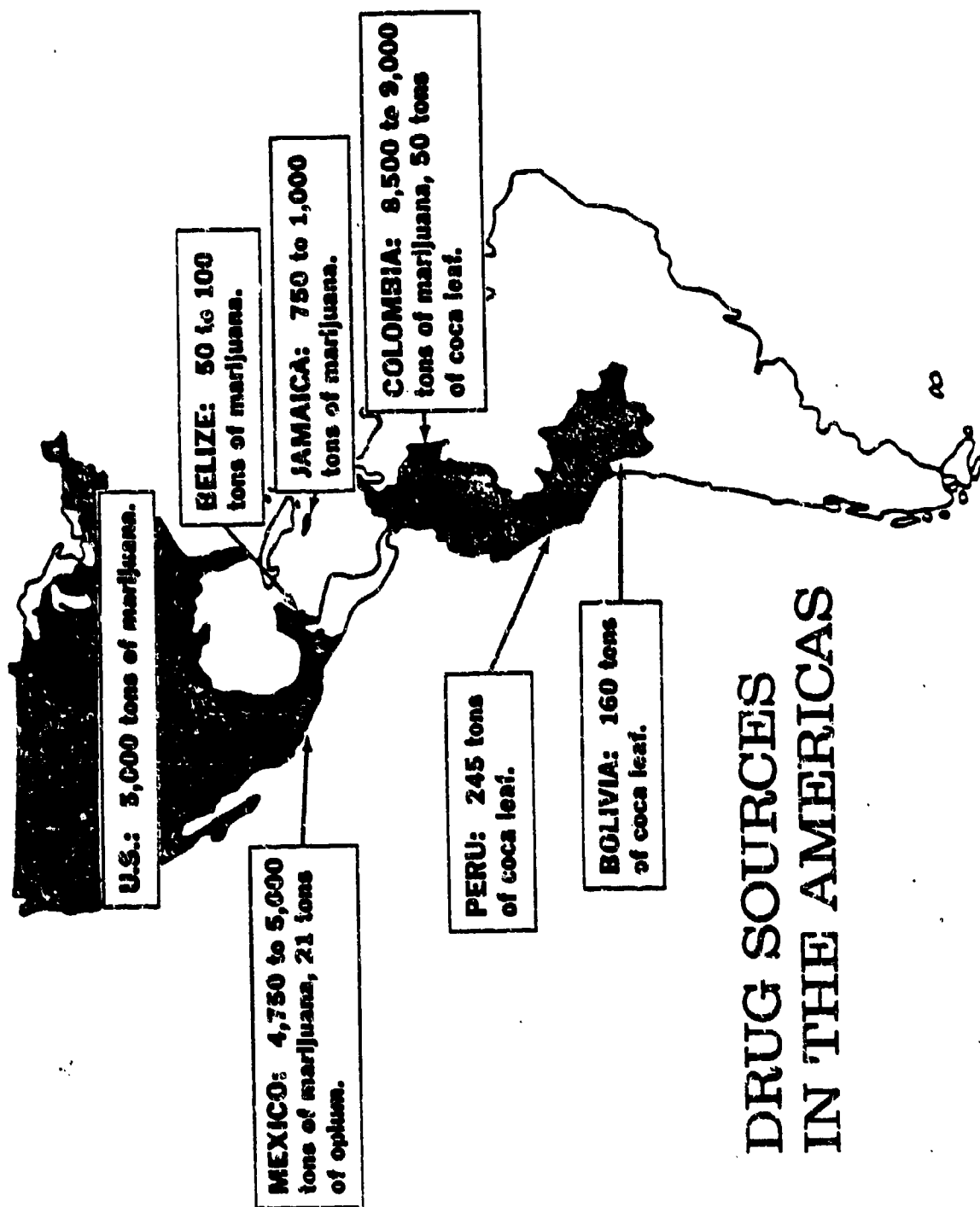
3,000,000

AMERICANS ARE REGULAR MARIJUANA  
USERS

12,000,000

AMERICANS USED SOME FORM OF  
ILLCIT DRUG LAST YEAR

28,000,000



## DRUG SOURCES IN THE AMERICAS

# NATIONAL DRUG CONTROL STRATEGY

## FRONT

SUPPLY

## ACTION

ERADICATION/  
CROP SUBSTITUTION

DISTRIBUTION

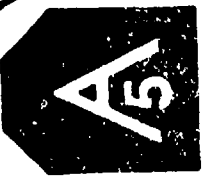
INTERDICTION

DEMAND

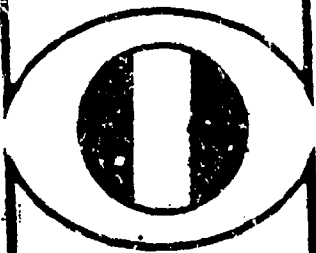
ENFORCEMENT, EDUCATION,  
REHABILITATION

A0723-11-1-88-0125-1  
HO-FSH

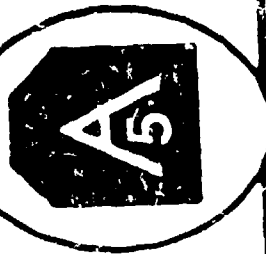
## **AWC STUDY ON DRUG INTERDICTION SUPPORT**



- CENTRALIZED C2
- INCREASED INTELLIGENCE SUPPORT
- PROVIDE GREATER LIFT CAPABILITY
- OFFER MORE EQUIPMENT AND LOGISTICAL SUPPORT
- TRAINING SUPPORT (MTT's, C3)
- USE SOF
- EXPAND GSR & SENSOR SUPPORT
- COORDINATE AC & RC EFFORTS

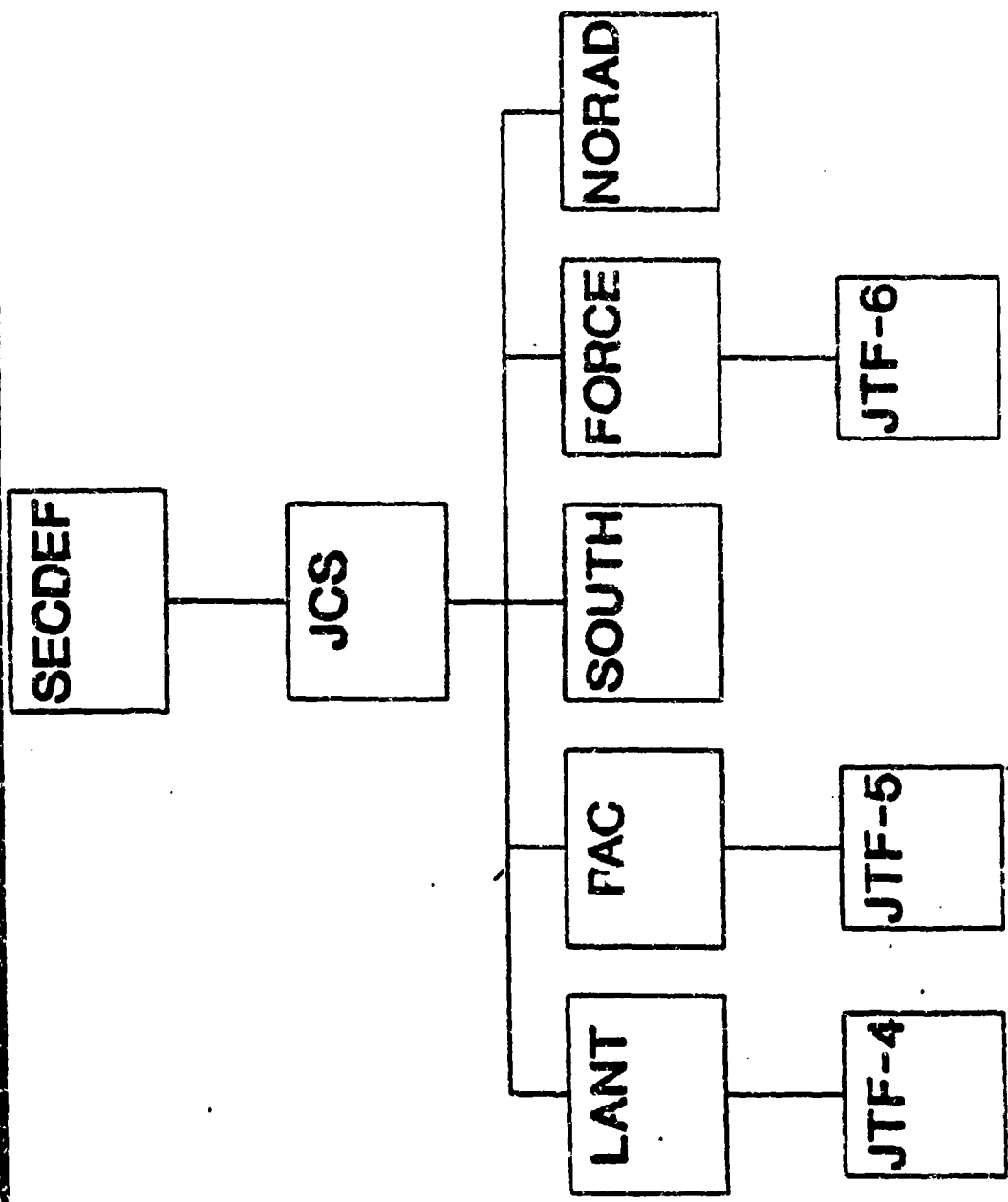


## DOD GUIDANCE

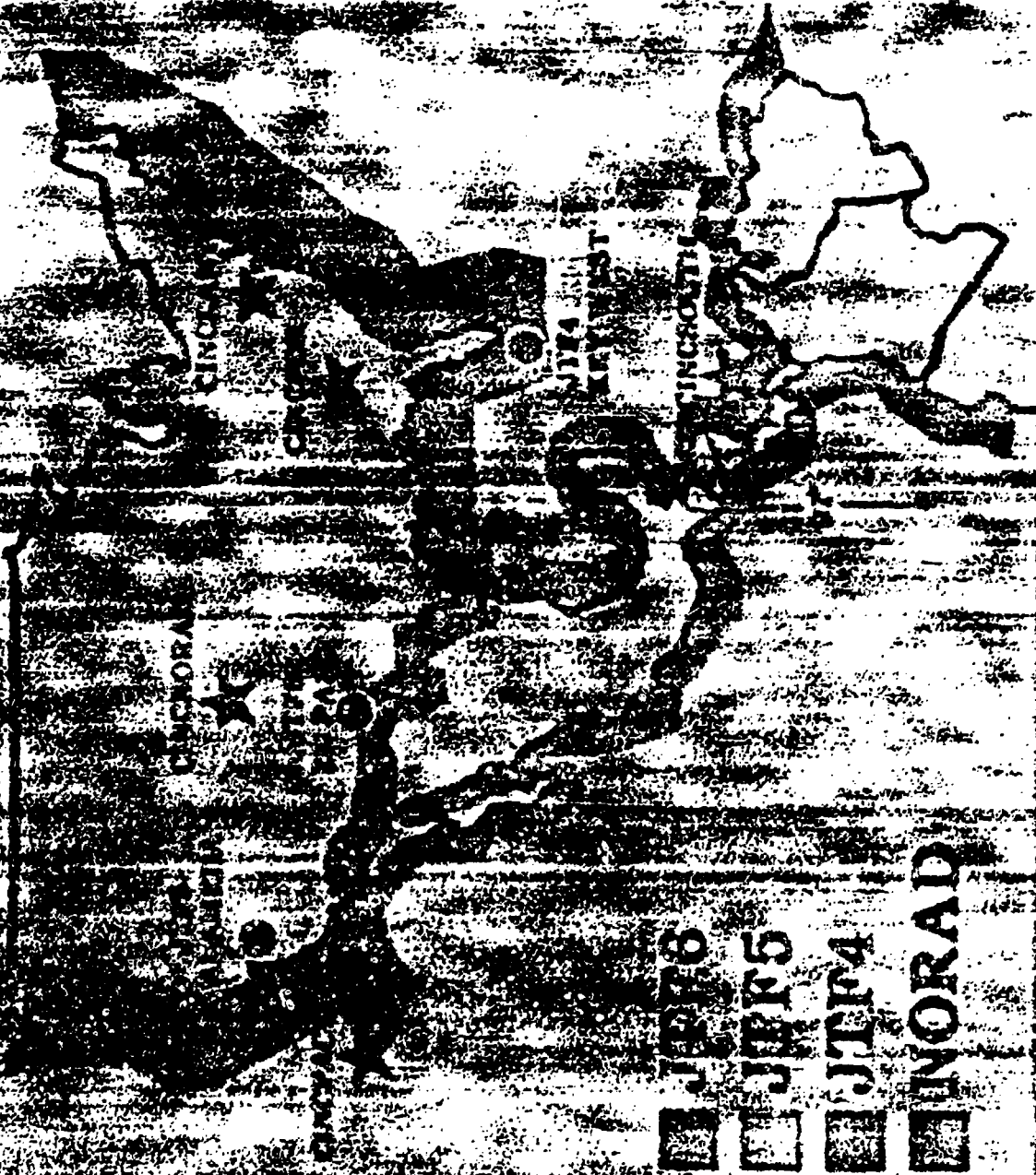


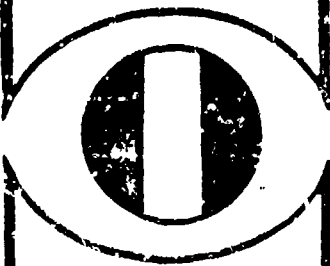
- INTERNATIONAL TRAFFICKING OF DRUGS IS A NATIONAL SECURITY PROBLEM FOR THE U.S.
- JOINT DOD/DLEA EFFORT IS REQUIRED.
- THE PRESIDENT AND CONGRESS HAVE MADE THIS ONE OF THEIR MAIN PRIORITIES.
- THE SECDEF HAS STATED THAT SINCE PROTECTION OF NATIONAL SECURITY IS THE SPECIFIC DOD MISSION THEREFORE COUNTERING OF TRAFFICKING OF ILLEGAL DRUGS IS A HIGH PRIORITY MISSION OF THE DOD.



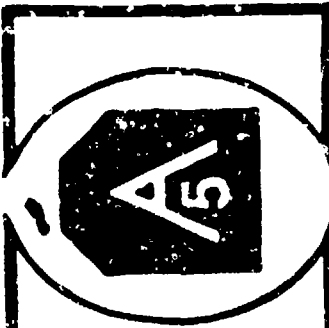


# AREAS OF OPERATION





## CINCFOR RESPONSIBILITIES



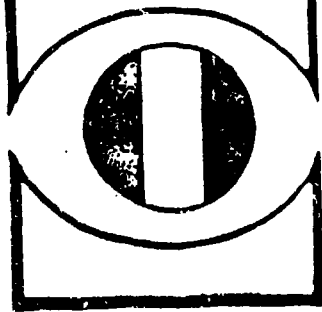
- DEPLOY FORCES AND CONDUCT OPERATIONS REQUESTED BY DLEA
- COORDINATE ALL DOD SUPPORT TO DLEA FOR LAND OPERATIONS IN CONUS
- FORM JTF-6 FOR COORDINATION OF DOD SUPPORT TO DLEA ALONG THE SOUTHWEST LAND BORDER
- USE OPERATION ALLIANCE AS A CONDUIT TO RECEIVE DLEA REQUESTS FOR SUPPORT ALONG THE SOUTHWEST LAND BORDER



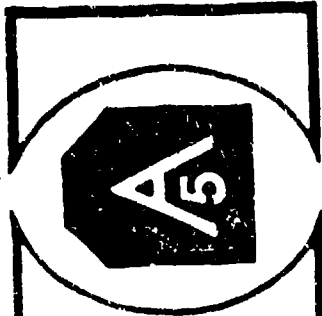
## MISSION



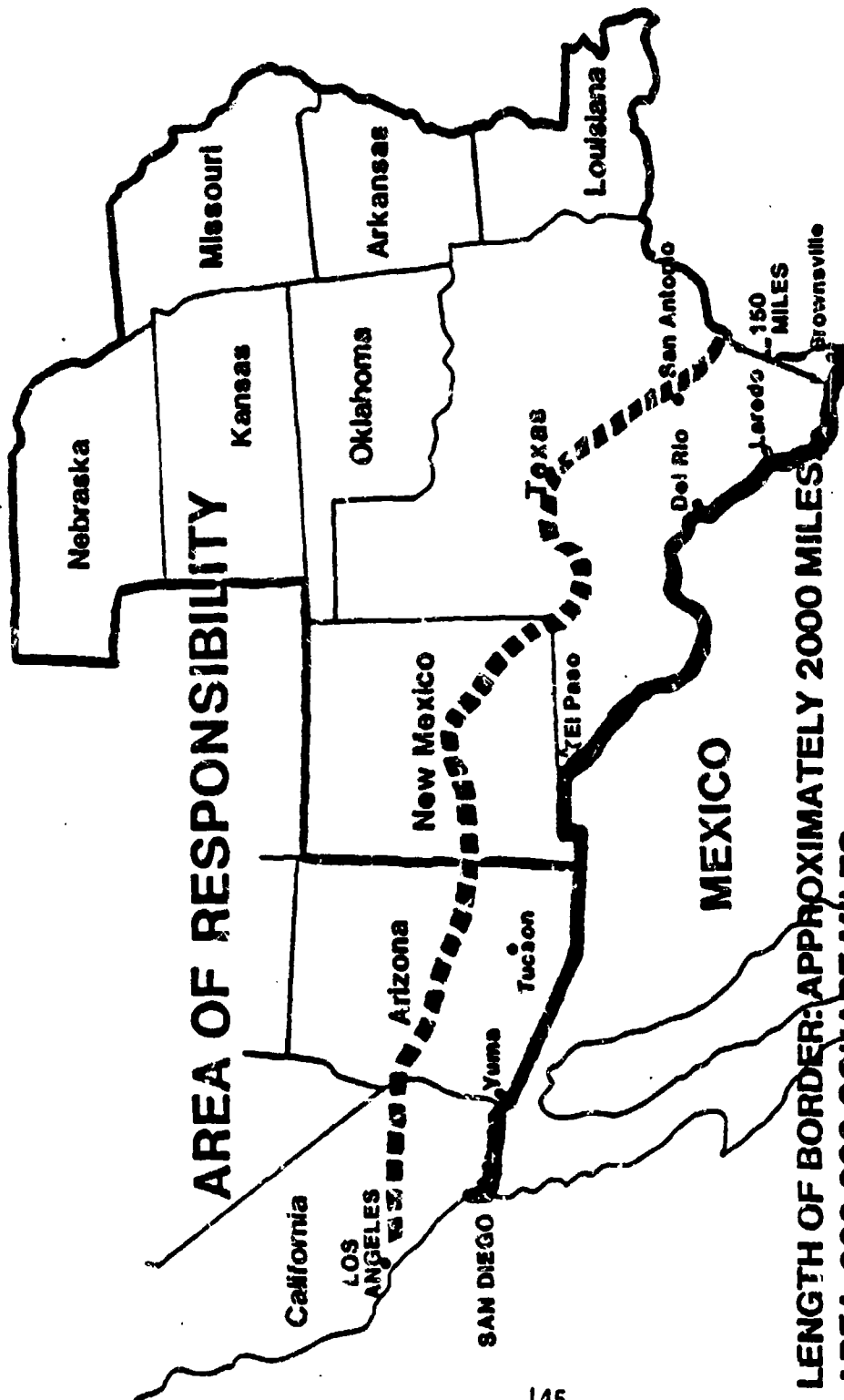
JOINT TASK FORCE SIX  
COORDINATES ALL DOD  
SUPPORT TO FEDERAL, STATE, AND  
LOCAL LAW ENFORCEMENT AGENCIES'  
EFFORTS TO DETECT, DETER, AND  
DISRUPT ILLEGAL NARCOTICS  
OPERATIONS ALONG THE SOUTHWEST  
LAND BORDER, AND PROTECT NATIONAL  
SECURITY.



## COMMANDER'S INTENT

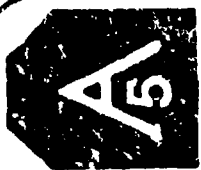


MAXIMIZE THE EFFECTIVENESS OF FEDERAL, STATE AND LOCAL LAW ENFORCEMENT AGENCIES TO STEM THE FLOW OF ILLEGAL NARCOTICS ACROSS THE SOUTHWEST BORDER THROUGH THE APPLICATION OF ALL AVAILABLE DOD CAPABILITIES AND ASSETS.



**LENGTH OF BORDER: APPROXIMATELY 2000 MILES**  
**AREA: 300,000 SQUARE MILES.**  
**AVERAGE ANNUAL LEGAL BORDER CROSSINGS: PEOPLE - 114 000,000**  
**VEHICLES - 33 000,000**

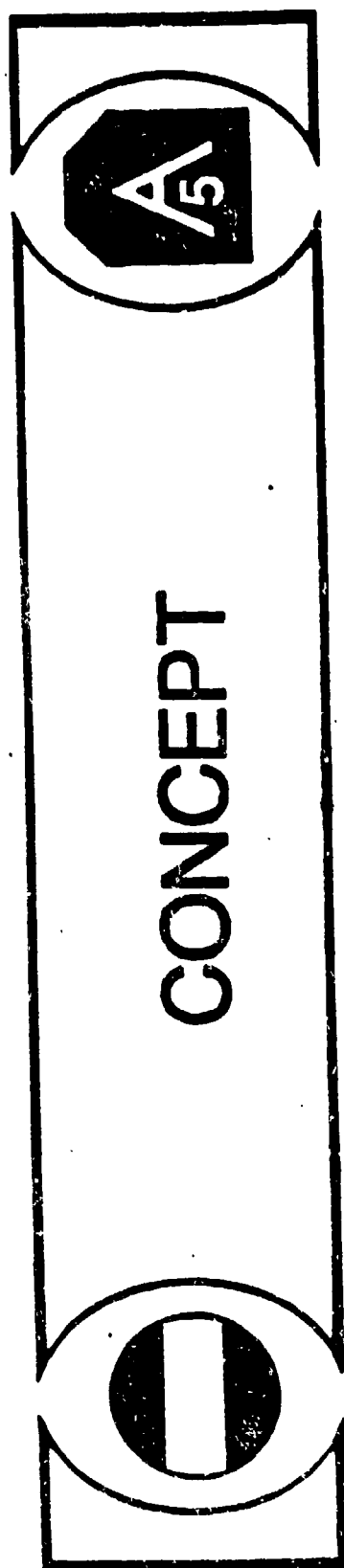
# MISSION RELATED AGENCIES



## AMERICAN EMBASSY (MEXICO)

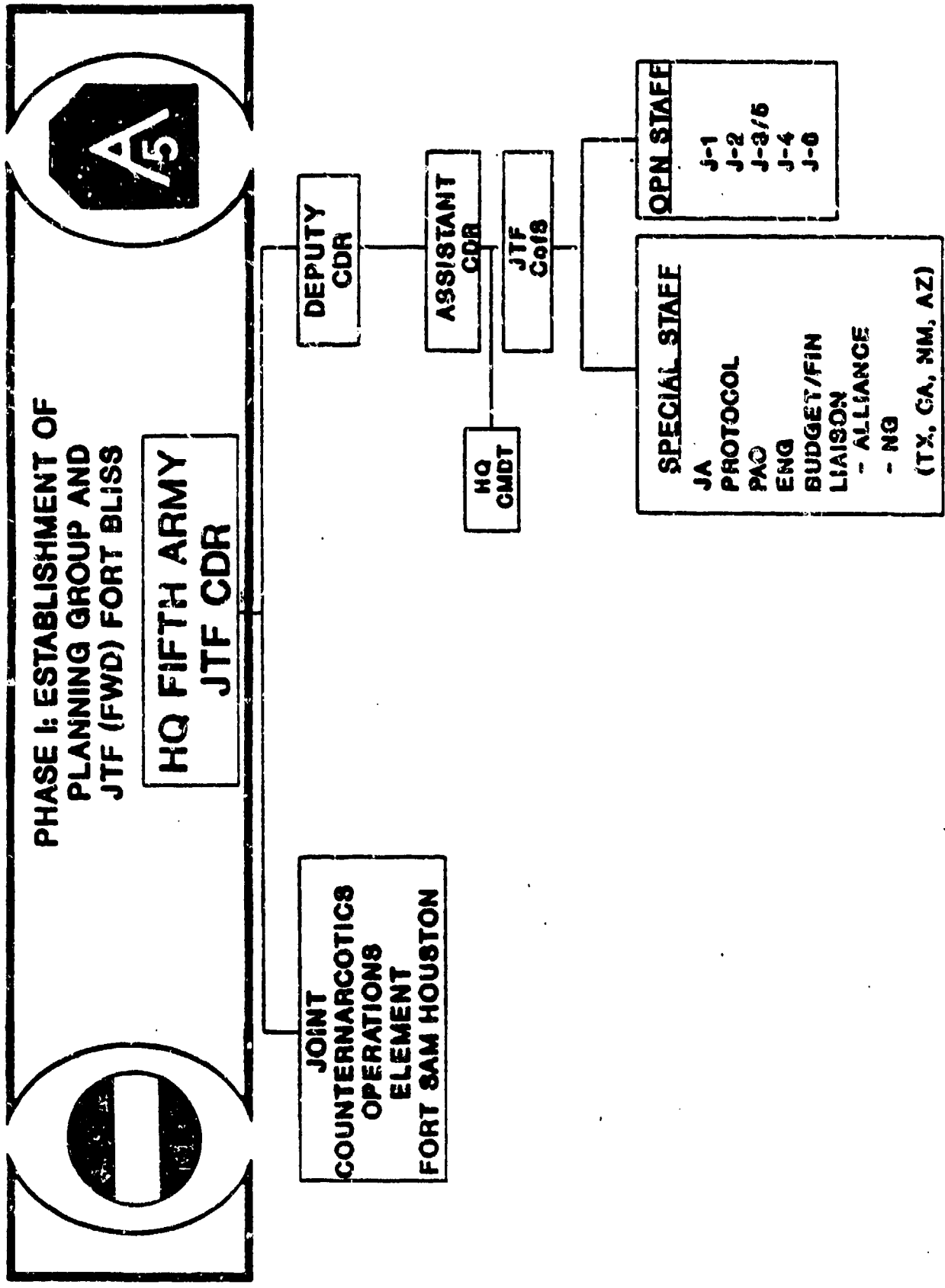
AIR FORCE  
NAVY  
MARINE CORPS  
TRANSCOM  
USSOCOM  
NORAD  
DMA  
DCA  
DIA  
JTF-4  
JTF-6  
6TH ARMY  
I, III, & XVIII CORPS  
NGB  
SOUTHCOM  
TAG (4 STATES)  
CAC  
ARMY CORPS OF ENGINEERS  
INS  
FOREST SERVICE

ONDCP  
DEA  
BORDER PATROL  
CUSTOMS  
EPIC  
OPERATION ALLIANCE  
DEPARTMENT OF JUSTICE  
DEPARTMENT OF STATE  
DEPARTMENT OF TREASURY  
FBI  
CIA  
NSA  
COAST GUARD  
IRS  
FAA  
BLM  
STATE & LOCAL LAW ENFORCEMENT  
AGENCIES  
NATIONAL PARK SERVICE  
FISH & WILDLIFE COMMISSION  
DOD COUNTERNARCOTICS POLICY &  
PREVENTION  
BIA



- PHASE I - ESTABLISHMENT OF JOINT  
COUNTERNARCOTICS OPERATIONS  
ELEMENT AND JOINT TASK FORCE  
SIX
- PHASE II - COORDINATION AND ASSESSMENT
- PHASE III - INITIAL OPERATIONS
- PHASE IV - SUSTAINED OPERATIONS





**PHASE II**  
**COORDINATION & ASSESSMENT**



- INITIATE COORDINATION AND LIAISON
- ASSESS LAW ENFORCEMENT NEEDS
- COMMAND AND CONTROL/COORDINATION
- INTELLIGENCE PREPARATION OF THE AOR
- DEVELOP POLICY AND PROCEDURES
- LESSONS LEARNED (JTF-4 & JTF-5)

**PHASE III**  
**INITIAL OPERATIONS**



- DEVELOP MODEL - EL PASO SECTOR
  - C<sup>3</sup>I<sup>2</sup>
  - EXERCISES
  - SUPPORT PACKAGES
  - STANDARD OPERATING PROCEDURES
- TEAM BUILDING
- MILITARY PRESENCE ON THE BORDER
- EXTENSION OF EXISTING DLEA PROGRAMS

**PHASE IV**  
**SUSTAINED OPERATIONS**

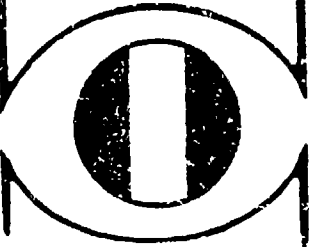
**A/5**

- **TRAINING**
  - **SUPPORT COUNTERNARCOTICS EFFORT OF DLEA**
  - **JOINT DOD OPERATIONS**
  - **MISSION ESSENTIAL TASKS**
- **FORCE MULTIPLIER**
  - **THICKEN THE BORDER**
  - **INTEGRATED INTELLIGENCE SYSTEM**
  - **REGIONAL COORDINATION**

## TYPES OF SUPPORT



- OPERATIONAL
  - MOBILE TRAINING TEAMS
  - MILITARY UNITS
  - FUNCTIONAL SUPPORT
- EQUIPMENT
- FORMAL SCHOOLS

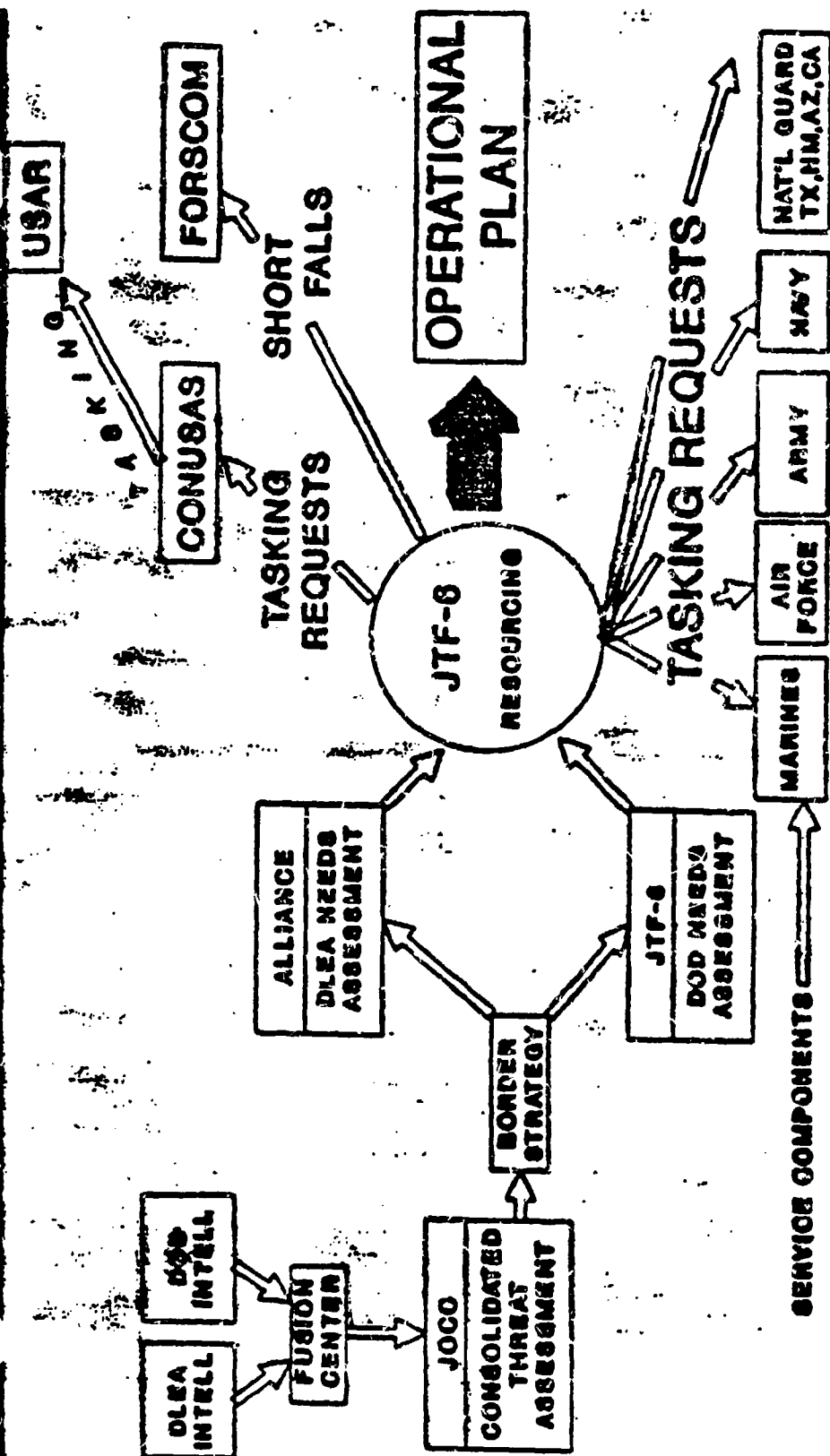


## JTF TYPE SUPPORT



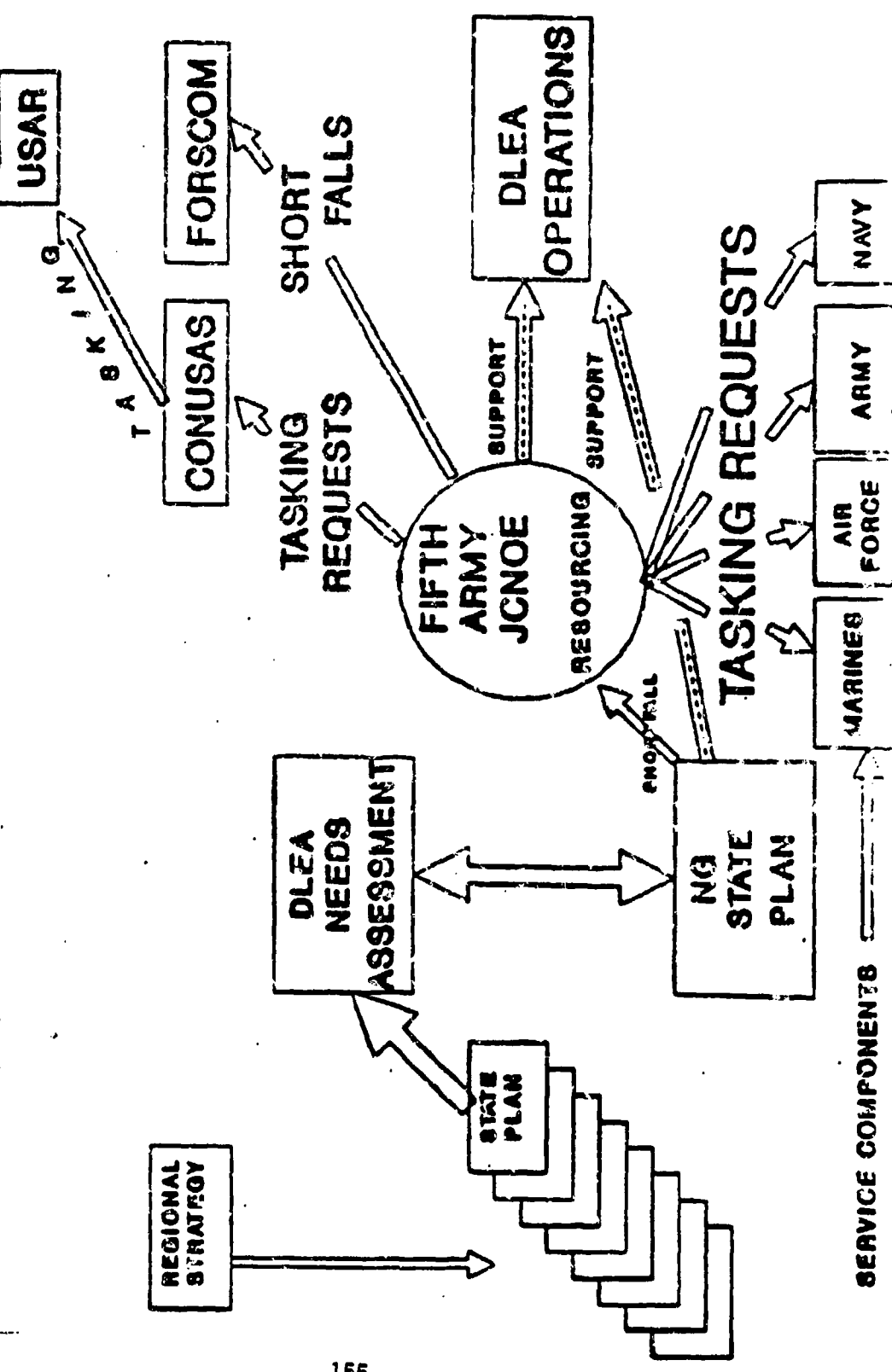
- FUSED/ANALYZED INTELLIGENCE
- GROUND RADAR SURVEILLANCE/SENSING
- AIRBORNE SURVEILLANCE/SENSING
- RDF/VOICE INTERCEPT
- GROUND/AIR TRANSPORTATION
- ENGINEER OPERATIONS
- OPERATIONAL EXERCISES
- GROUND RECONNAISSANCE
- MOBILE TRAINING TEAMS
- EQUIPMENT AUGMENTATION
  - SENSORS/NIGHT VISION DEVICES
  - TRANSPORTATION ASSETS
  - COMMUNICATIONS EQUIPMENT

# PLANNING METHODOLOGY



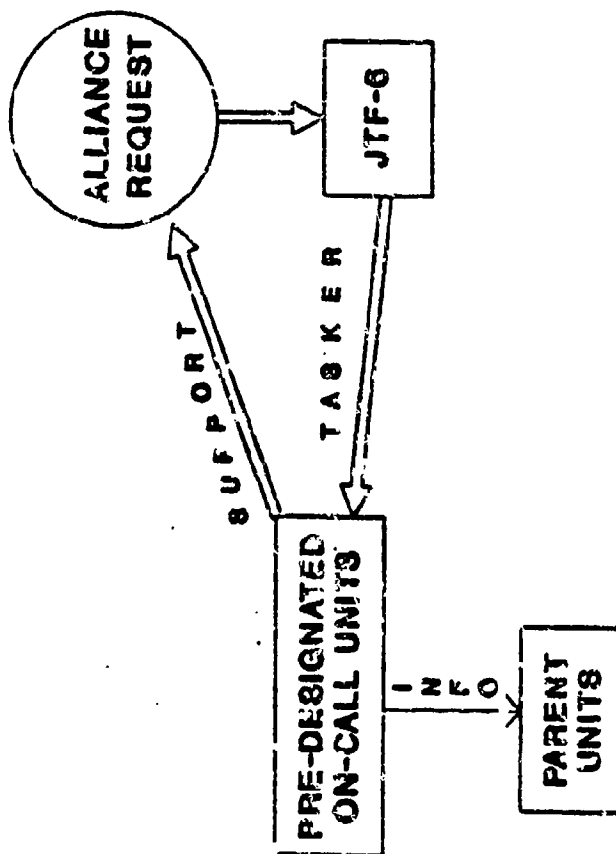


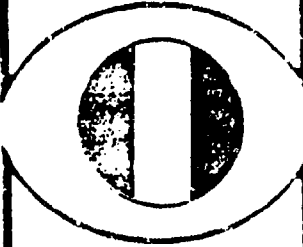
# PLANNING METHODOLOGY



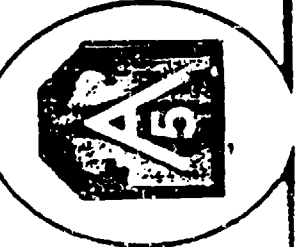


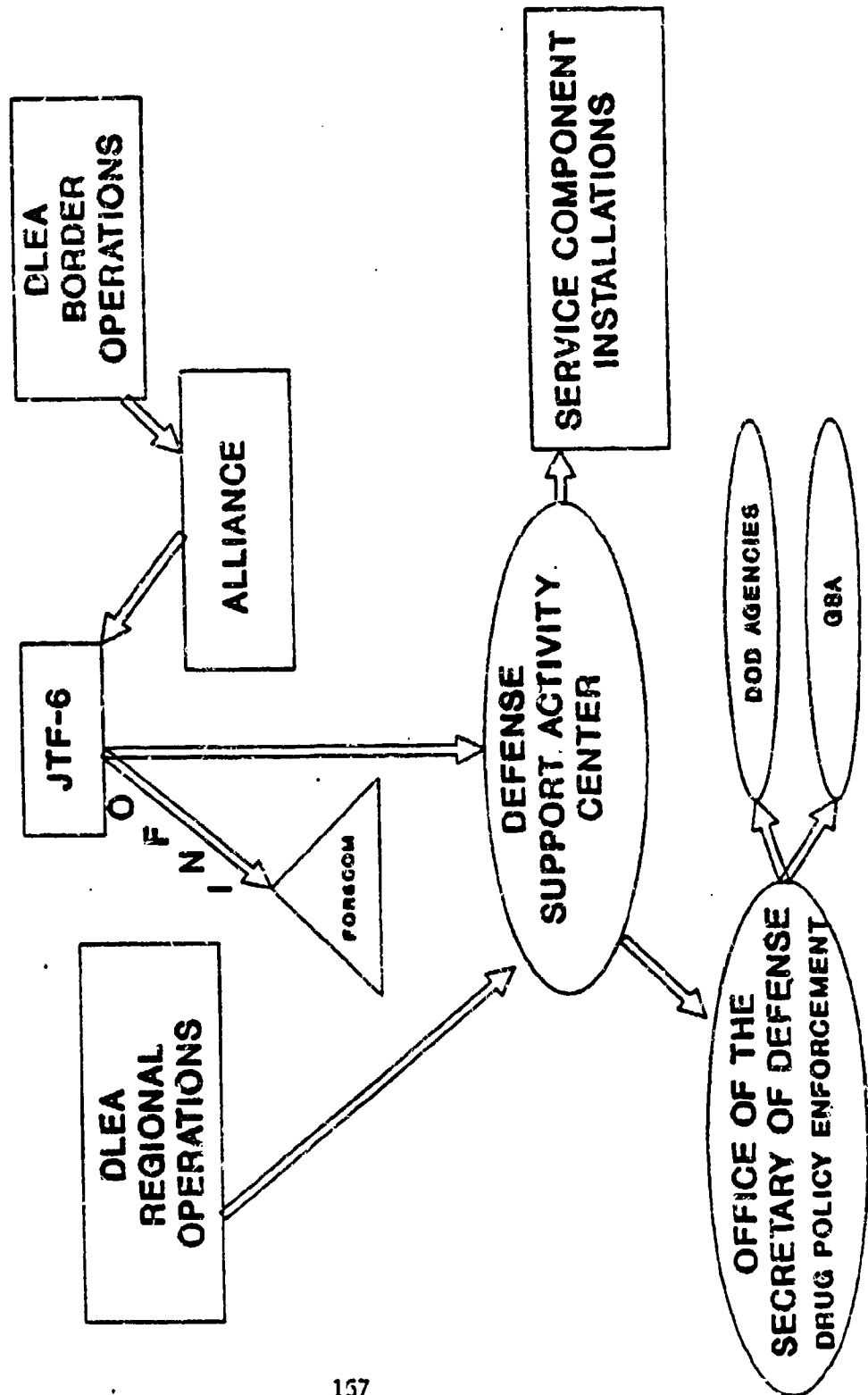
# DLEA REQUEST FOR OPERATIONAL SUPPORT IMMEDIATE RESPONSE





# DLEA REQUESTS LOAN OF EQUIPMENT



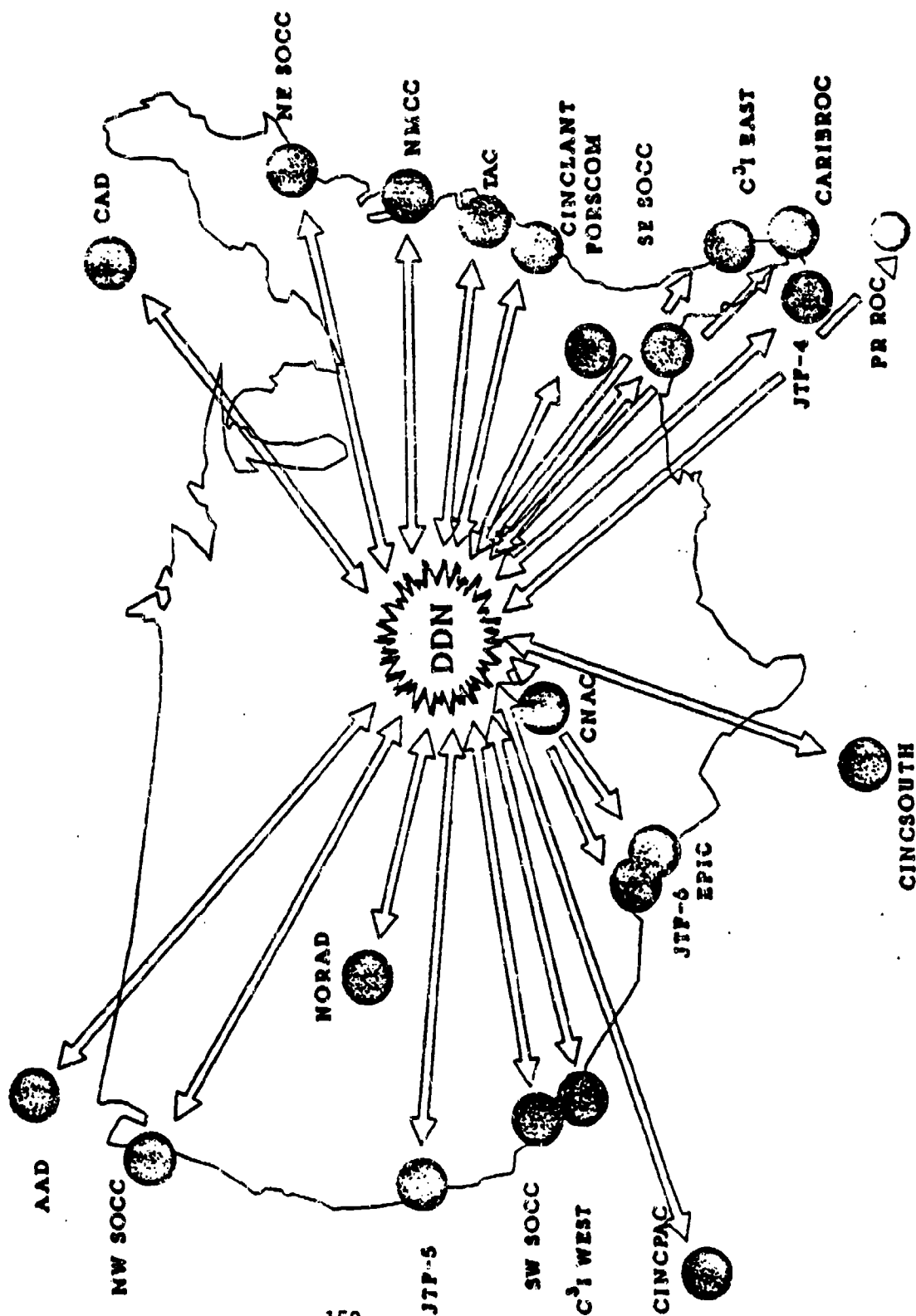


## COUNTERNARCOTICS INTELLIGENCE

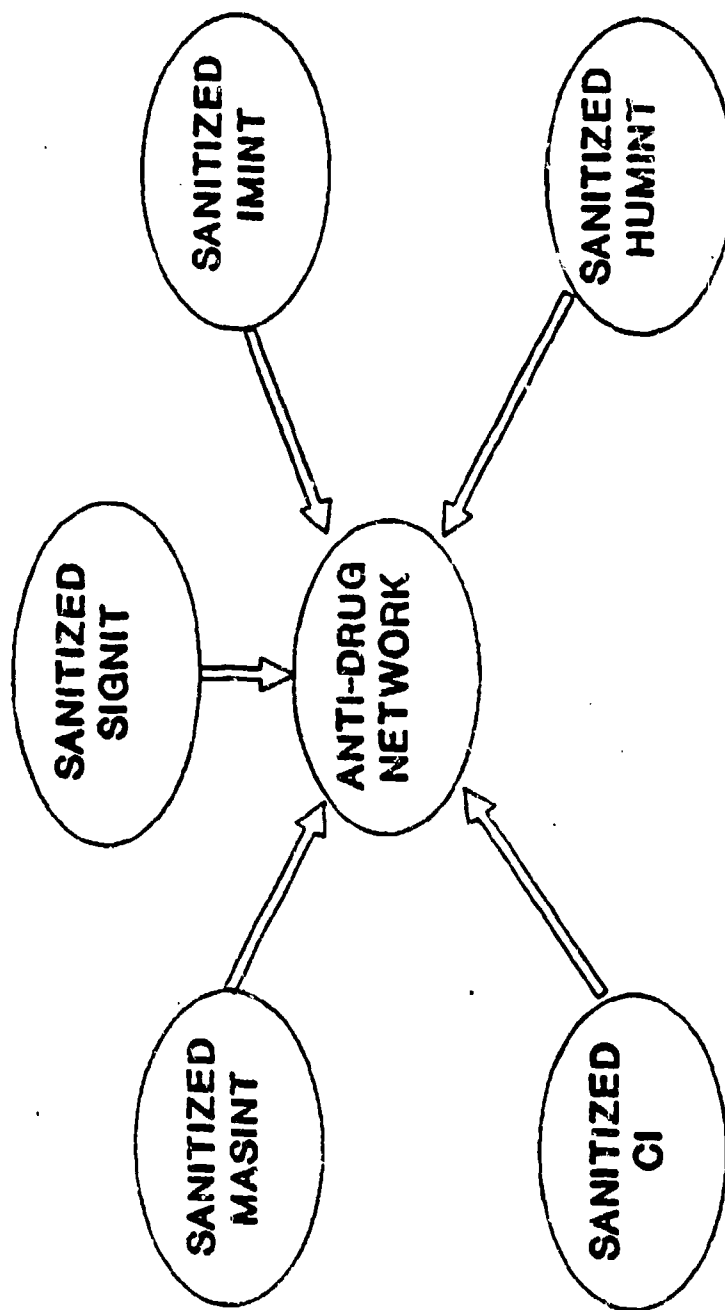
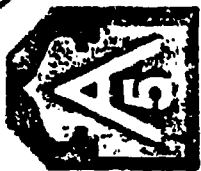


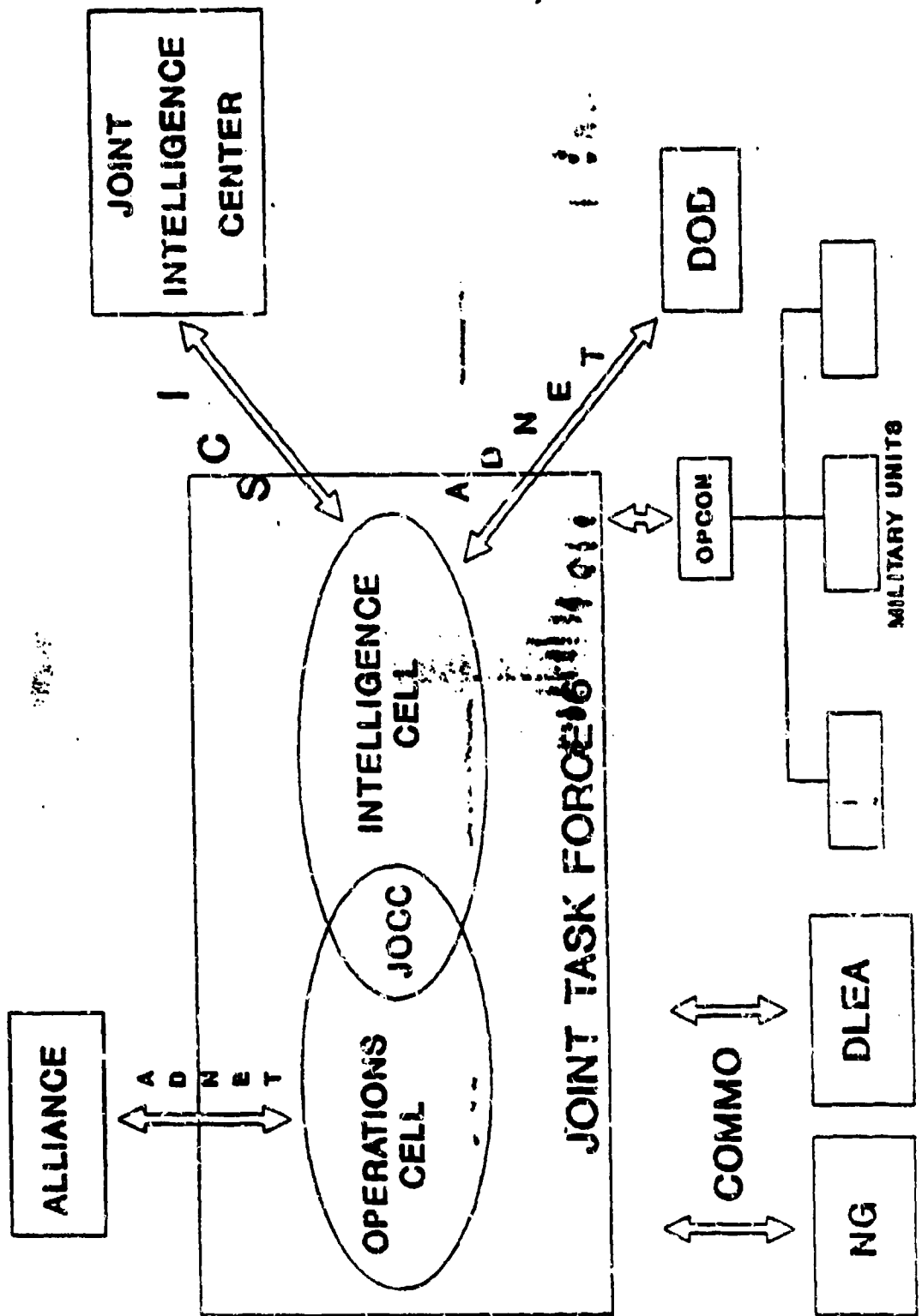
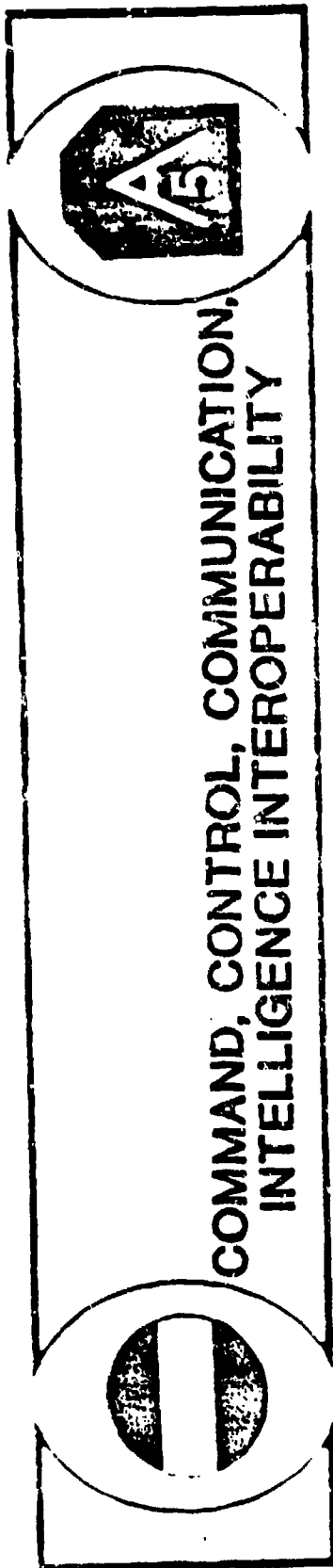
- MILITARY INTELLIGENCE SUPPORTS OPERATIONAL PLANNING
- LAW ENFORCEMENT INTELLIGENCE SUPPORTS PROSECUTION
- INTELLIGENCE MUST STAY IN PROPER CHANNELS BECAUSE OF LEGAL AND SECURITY CLASSIFICATION CONSIDERATIONS
- FUSION CENTERS AT NATIONAL AND REGIONAL LEVELS WILL SUPPORT BOTH DOD AND DLEA COUNTERNARCOTICS OPERATIONS
- NATIONAL CENTERS AT FORSCOM AND EPIC WILL DISSEMINATE INTELLIGENCE TO JTF FUSION CENTERS AND DLEAs
- JTF-6 WILL BE A CHANNEL FOR DOD INTELLIGENCE TO COUNTERNARCOTICS ELEMENTS OPERATING ALONG THE SOUTHWEST BORDER

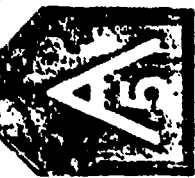
# ANTI-DRUG NETWORK



# DOD INTELLIGENCE RESOURCES

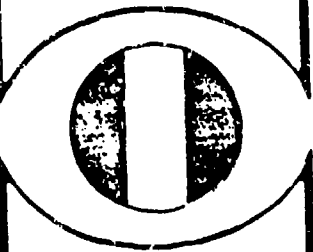






## CURRENT CONSIDERATIONS

- PRIORITY
- SENSITIVITY OF AMERICAN RELATIONS  
WITH MEXICO
- LIMITATIONS ON USE OF FEDERAL FORCES  
FOR SEARCH AND SEIZURE
- NATIONAL GUARD WILL CONTINUE CURRENT  
SUPPORT
- WELL DEFINED RULES OF ENGAGEMENT
- MEASUREMENTS OF EFFECTIVENESS

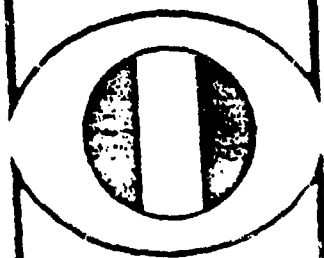


## POSSE COMITATUS

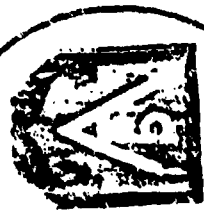


- FEDERAL FORCES MAY NOT BE DIRECTLY INVOLVED IN SEARCH, SEIZURE, ARREST OR APPREHENSION
- NATIONAL GUARD IN STATE/TITLE 32 STATUS EXEMPT FROM RESTRICTIONS AND WILL CONTINUE CURRENT SUPPORT





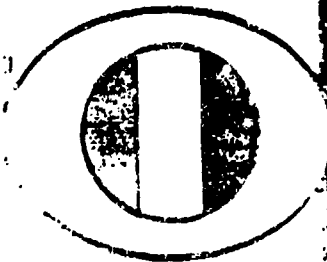
## **RULES OF ENGAGEMENT**



- **MINIMUM FORCE NECESSARY TO PROTECT:**
  - **SELF**
  - **OTHER UNIT MEMBERS**
  - **LAW ENFORCEMENT OFFICIALS -**  
**OTHER INNOCENT PARTIES**
- **SAME RULES AS LAW ENFORCEMENT**  
**AGENCIES SUPPORTED**
- **DETAILED INSTRUCTIONS/BRIEFINGS FOR**  
**EACH OPERATION**



- LACK OF CENTRALIZED CONTROL
- STRATEGY DEVELOPMENT
- POLITICAL AGENDAS
- DIPLOMATIC CONCERNS
- JMP PROCESS
- PERSONNEL
- FUNDING



**DRUG LAW ENFORCEMENT  
AGENCIES (DLEA)**



◦ **FEDERAL**

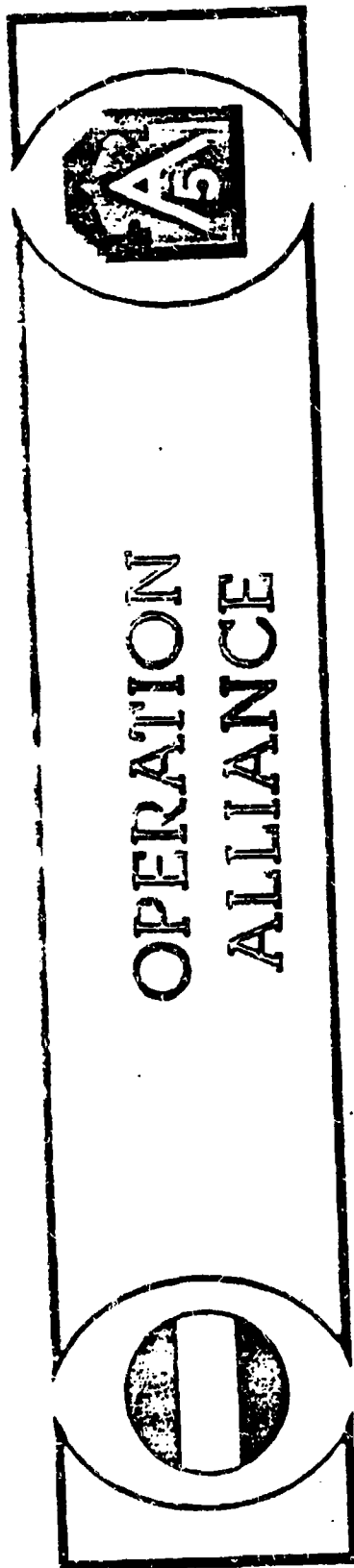
◦ **STATE**

◦ **LOCAL**

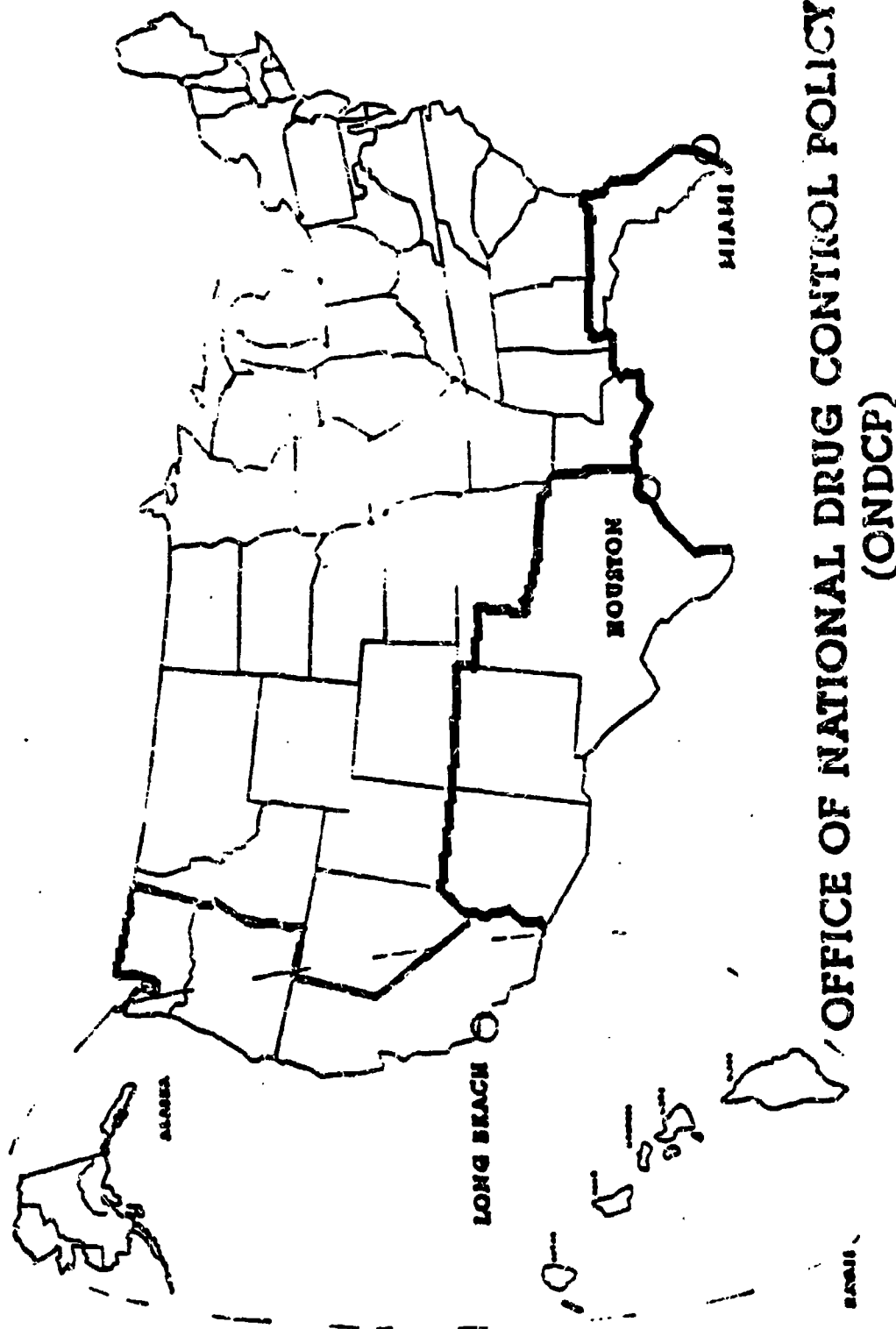
**WHO IS IN CHARGE?**

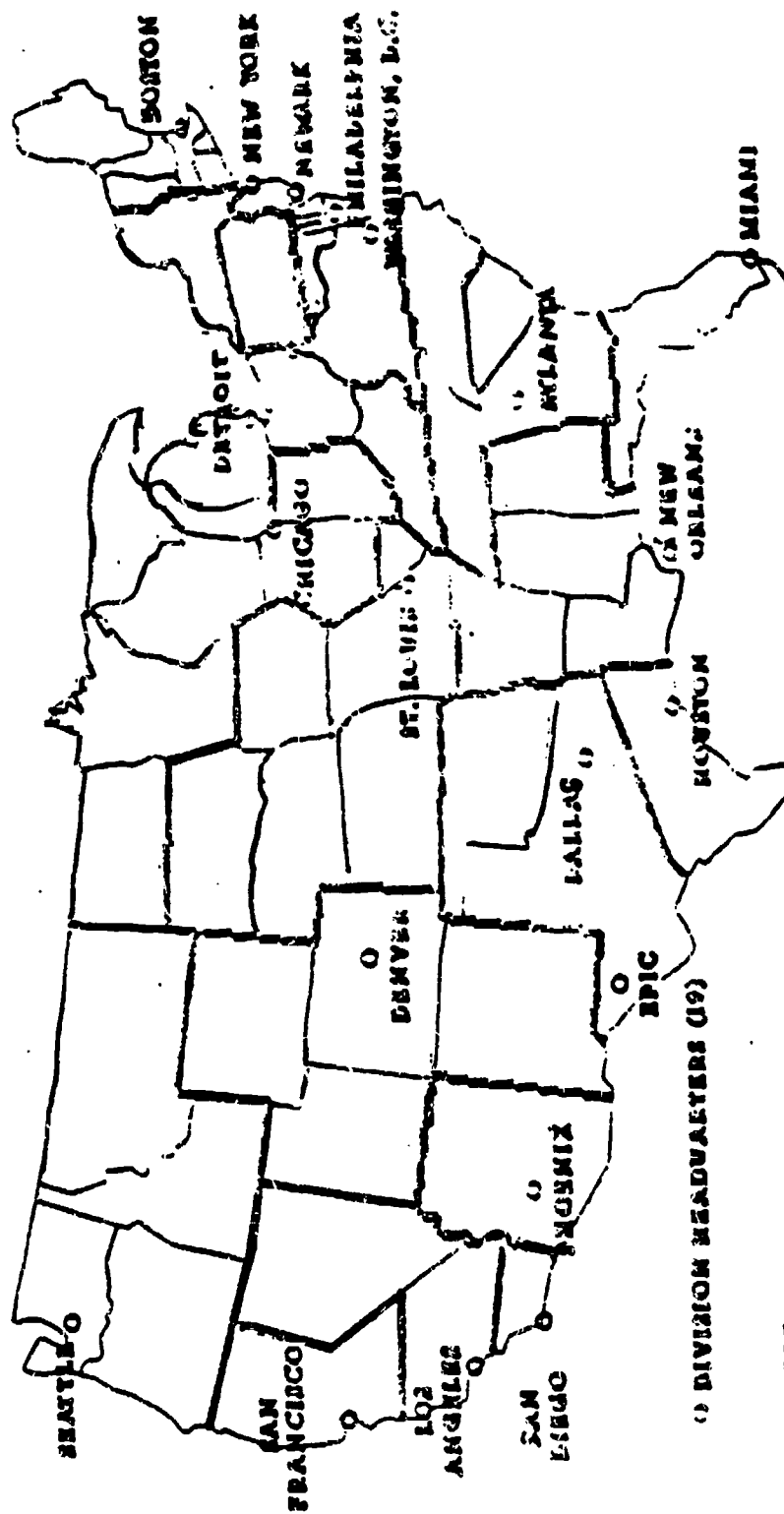
◦ **OPERATION ALLIANCE**

◦ **ONDCP**



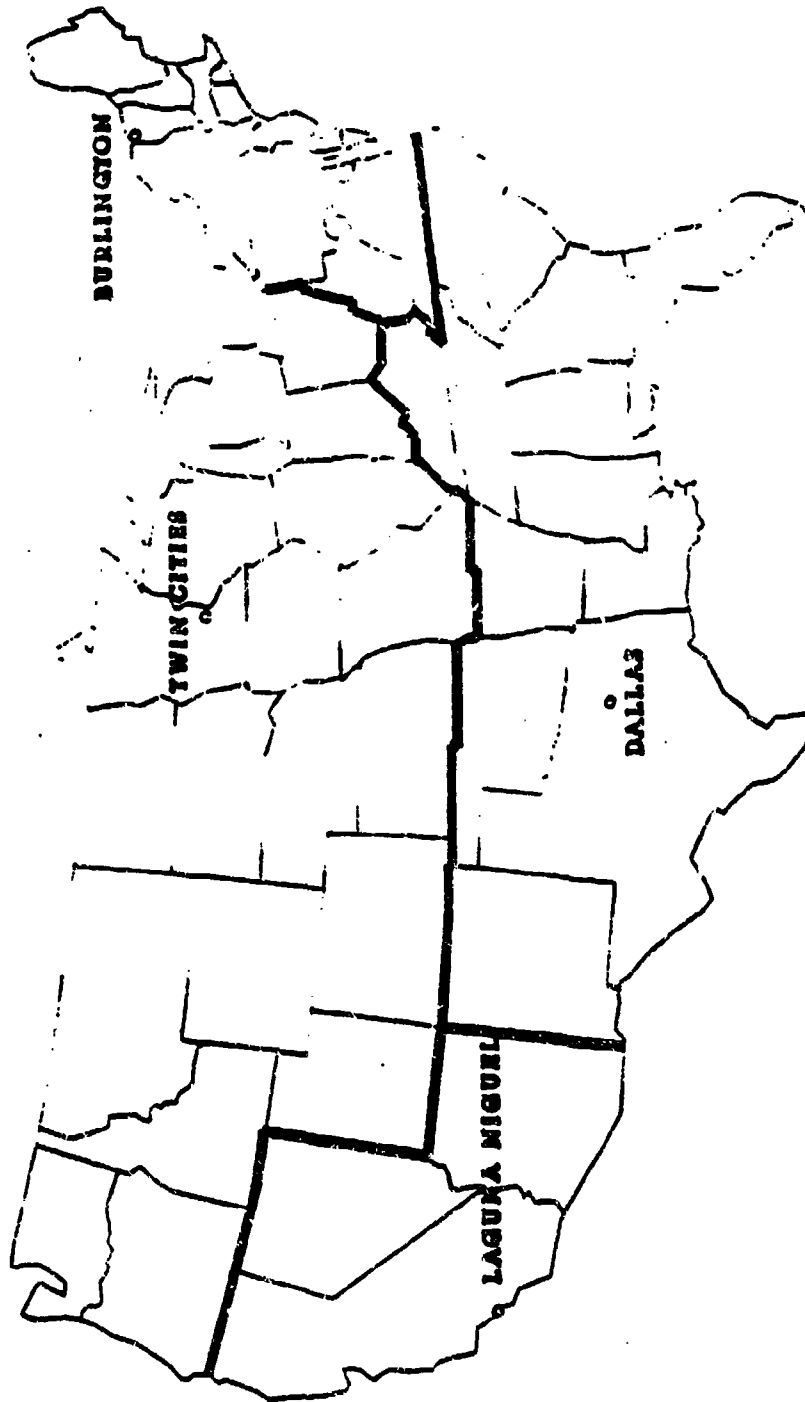
- SOUTHWEST BORDER COMMITTEE
  - DRUG ENFORCEMENT AGENCY
  - CUSTOMS
  - IMMIGRATION AND NATURALIZATION (BORDER PATROL)
- NO OPERATIONAL AUTHORITY
- DIVISION OF RESPONSIBILITY
  - CUSTOMS: AT POINTS OF ENTRY
  - BORDER PATROL: BETWEEN POINTS OF ENTRY
  - DRUG ENFORCEMENT AGENCY: INVESTIGATIONS
- OTHER REPRESENTATIVES
  - FEDERAL
  - STATE & LOCAL





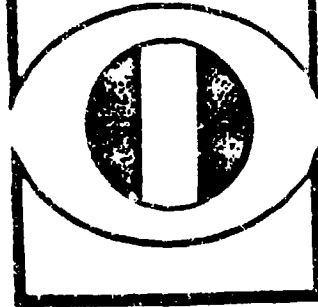
## DRUG ENFORCEMENT AGENCY DIVISIONS





## IMMIGRATION AND NATURALIZATION SERVICE REGIONS





## FINANCIAL MANAGEMENT

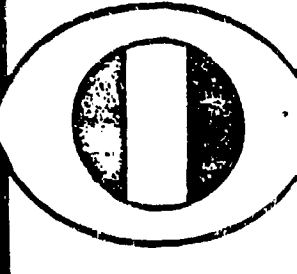
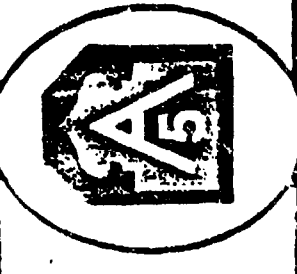


### JOINT TASK FORCE 6

- BUDGET
  - PLAN (ALL APPROPRIATIONS)
  - HEADQUARTERS OPERATIONS
- VERIFY SUPPORTING UNIT COSTS FOR REIMBURSEMENT
- TRACK EXECUTION OF HEADQUARTERS BUDGET
- MILITARY DEPARTMENTAL PURCHASE REQUESTS

### FORCES COMMAND AND OTHER SERVICES

- REIMBURSE SUPPORTING UNITS

# ESTIMATED ANNUAL OPERATING BUDGET

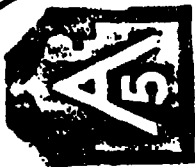
(\$000)

EXERCISES (SPT PACKAGES)	6,600.0	
ENGINEER PROJECTS	1,260.0	
RECONNAISSANCE AND		
SURVEILLANCE MISSIONS	7,760.0	
MOBILE TRAINING TEAMS	1,750.0	
FLYING HOURS	1,460.0	
CONTRACTS & RENTALS	2,460.0	
CIVILIAN PAY	1,080.0	
TRAVEL	240.0	
SUPPLIES	80.0	
SUBTOTAL	21,660.0	
UNIT TRAINING \$ OFFSET	(845.0)	
FHP OFFSET	(1,290.0)	

TOTAL INCREMENTAL ANNUAL OPERATING BUDGET

19,525.0

# START UP/ONE TIME COSTS (\$000)



## FACILITY UPGRADE

CABLING	567.0
SCIF	200.0
SECURITY (FENCING)	40.0
	<b>807.0</b>

## EQUIPMENT

C' I'	25,000.0
STU III	337.0
CELLULAR STU III	52.0
RADIOS	200.0
HQ ADP & LAN	576.0
	<b>26,165.0</b>

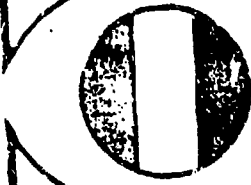
**26,972.0**

## TOTAL ONE TIME COSTS

C' I' - COMMAND, CONTROL, COMMUNICATIONS, AND  
INTEGRATED INTELLIGENCE SYSTEM

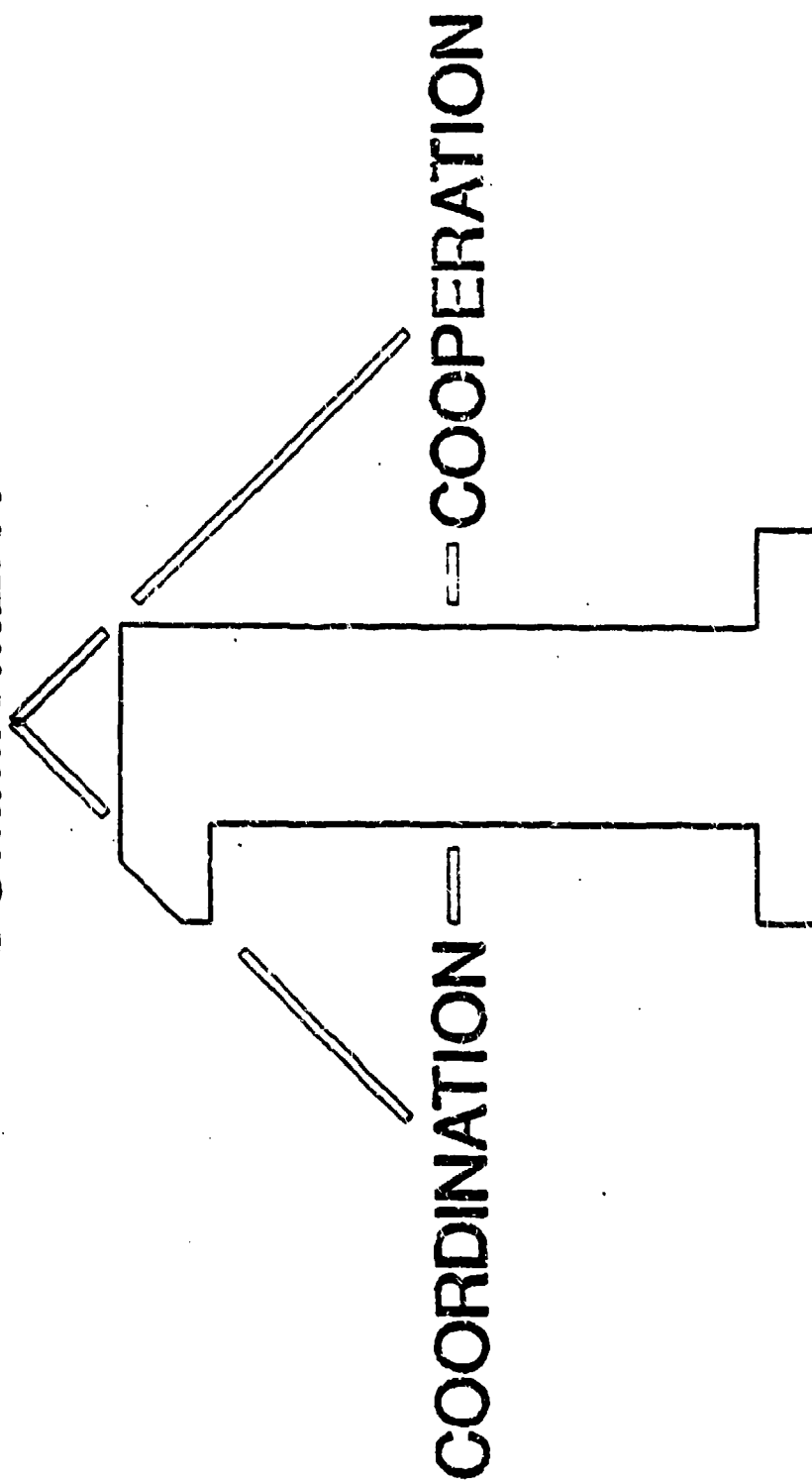
SCIF - SENSITIVE COMPARTMENTED INFORMATION  
FACILITY

## **FUTURE CONSIDERATIONS**



- LONG TERM MILITARY INVOLVEMENT
- CHANGED DEFENSE STRATEGY
- DECREASED TRAINING DOLLARS
- FUTURE STRU "FORE" PLAN "SE"
- NEED FOR EXPANDED COUNTERNARCOTICS TRAINING
- COUNTERNARCOTICS OPERATIONS ON NORTHERN  
BORDER
- DOCTRINE DEVELOPMENT
- REGIONAL DRUG CONTROL STRATEGIES

**COMMITMENT**



**NATIONAL PRIORITY**

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207 16th St.  
500 Price Bldg.  
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6. Commander  
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Ft. Belvoir, Virginia
7. Office of the Deputy Assistant Secretary of Defense  
Director, Drug Policy and Enforcement  
ATTN: MG Arnie Schlossberg  
Washington, D.C. 20301
8. Select Committee on Narcotics Abuse and Control  
U.S. House of Representatives  
ATTN: Mr. Ed Jurith, Staff Director  
Room H2-233, House Annex #2  
Washington, D.C. 20515
9. Department of the Army  
Office of the Deputy Chief of Staff for Intelligence  
ATTN: LTC Richard Ricardelli  
Washington, D.C. 20301



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
U.S. ARMY COMMAND AND GENERAL STAFF COLLEGE  
1 REYNOLDS AVENUE, BUILDING 111  
FORT LEAVENWORTH, KANSAS 66027-1352

ATZL-SWY

2 May 2001

MEMORANDUM FOR ATTN: Larry Downing, DTIC-OCQ, Defense Technical Information Center, 8725 John J. Kingman Road, Suite 0944, Fort Belvoir, VA 22060-6218

SUBJECT: Request for Distribution Change

1. The following documents should be changed from distribution B to distribution A. The limitations have been removed and they are now publicly available.

**THESIS**

**ACCESSION  
NO**

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2. Thanks. Please let me know when they are done. My e-mail address is [burgesse@leavenworth.army.mil](mailto:burgesse@leavenworth.army.mil), and my phone number is (913) 758-3171.

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